In Scathing Terms Rosser Scores Dalton, Dorsey, Police;

Dorsey Will Conclude, Summing Up Case Against Frank

DALTON EXCORIATED, CONLEY ANNIHILATED AND SOLICITOR CHARGED WITH PERSECUTION

Mr. Rosser Defends the Character of the Pencil Factory, Declares That Few Men Could Have Stood the Test Put to Frank by a "Horde of Spying Police, Generated by Dorsey," and Ridicules the "Suspicious Circumstances" Against Frank.

EVERYTHING FRANK DID OR SAID WAS DISTORTED, MAGNIFIED AND VIEWED WITH SUSPICION, HE SAYS

Mr. Rosser Was in the Midst of His Speech When Court Adjourned for Recess-When He Has Finished Solicitor Dorsey Will Make the Concluding Argument, the Judge Will Deliver His Charge and the Case Go to the Jury.

Attorney Luther Z. Rosser, making the closing argument for the defense, spoke to the jury three hours and twenty minutes Friday, taking up the whole of the morning session.

When court took recess for lunch Mr. Rosser plainly showed the strain. His shirt was wet with perspiration and his thin alpaca coat stuck to his shoulders. His hands trembled from his tremendous physical exertion, his

throat was sore and his voice hoarse. From the courtroom he went immediately to a throat specialist for treatment.

It seemed, after Attorney Arnold's speech, that he had covered the whole ground and left nothing for his associate to say. But Mr. Rosser found a plenty.

He jokingly told the reporters on Thursday, that his job was to do "the heavy-set rowing." What he meant was that he would touch on the high lights of the case.

His style is quite different from Mr. Arnold's, but no less effective. A big, burly man physically, he throws into his delivery the whole strength and vigor of his physique and personality. He abounds in picturesque expressions. He is not particular about his grammar. He can tell a funny story with fine skill. In flaying Dalton, Conley, the city detectives, and Solicitor Dorsey, wrathful indignation gather sin his countenance like a storm cloud and the words peal forth like thunderbolts.

Mr. Rosser said he would probably speak an hour in the afternoon but he may speak two or more. And in this latter event there is practically no chance for the case to go to the jury Friday afternoon, since Solicitor Dorsey is yet to speak and is certain to require three hours or more. There is a possibility, however, that all speeches will be concluded and the judge's charge delivered before adjournment and Frank's fate left to the decision of the jury.

The first two hours of Attorney Rosser's speech, which he began then court convened Friday morning at 9 o'clock, was devoted to a scathing attack on C. B. Dalton, a state witness; to a defense of the moral atmosphere pervading the National pencil factory, and to a defense of the character of Leo M. Frank, the defendant.

Mr. Rosser's speech was one of the most picturesque ever heard in a Fulton county courtroom. He described Dalton, as a lying thief, declared the moral atmosphere of the pencil factory was as good as that of any factory in Georgia, and referred to Frank's statement on the stand as the most remarkable he had ever heard.

"This statement came gushing forth from the wells of truth," said Mr. Rosser. Referring to Frank's character Mr. Rosser said: "We put his character in issue. Had we not done so the law would have compelled you to assume that it was good. We wanted you to know the manner of man he is."

Mr. Rosser made light of the witness who testified that Frank's character was bad. He declared that disgruntled, aggrieved persons could be found who would give this kind of testimony against any man— "even the judge who is presiding over this trial."

Frequently during his speech Mr. Rosser turned aside to attack Solicitor Dorsey for what he termed an unparalleled and unjust persecution. He predicted that the solicitor would live to see the day that he would regret his course in this case and declared the like would never be witnessed again.

Mr. Rosser devoted the principal portion of his speech toward an effort to explain away the various circumstances which have been used by the state to cast suspicion on Frank. He took them up one by one.

Frank's nervousness on the day after the murder was characterized as but natural under the circumstances. His failure to hear the telephone ring when the detectives rang him up early Sunday morning attributed to his good digestion and clean conscience which made him sleep soundly.

The fact that he engaged attorneys almost immediately after the police took him to the station house was explained on the ground that he acted upon the advice of friends and was unfamiliar with police and detectives.

Frank's employment of the Pinkerton detective agency on the day he was detailed at police headquarters, was due. Mr. Rosser declared, to his desire to ferret out the mystery and catch the murderer.

Various other circumstances, termed "mere suspicions," by Mr. Rosser, were explained to the jury, and after disposing of each one Mr. Rosser would inquire of the jury: "Would you hang a man for that?"

At 5:04 o'clock Friday morning the Frank trial resumed for what promised to be its last day outside of the jury room. Mr. Rosser continued the argument of the defense begun so ably Thursday by his associate, Mr. Arnold. Following Mr. Rosser, Solicitor Dorsey was to conclude the arguments by presenting the final statement of the state's view.

"Gentlemen of the jury, all things must come to an end," began Mr. Rosser, " And the end of this case is almost here, I feel without regret that the masterly effort of Mr. Arnold yesterday has left me but little to say. My Physical condition is such that I could not make a long speech if I would. And I would not attempt to add to what Mr. Arnold has put before you so effectively, were it not for any intense interest in this matter, and my profound conviction. I repeat what Mr. Arnold said, that this jury is of so high

quality that the attitude of the juror's mind is not to be compared with the careless man walking in the street.

"My friend Hooper must have brought that doctrine with him. Minds may wander as they will in flights of fancy and fits of rhetoric, and they do no harm. But you have been concentrated upon a different task; and you have ceased to be the rollicking, careless men of the streets. In pagan Rome the people laughed and chaffed as they went about. But there were a few set apart—the vestal virgins—for sacred things. And so with you, gentlemen.

THE JURY'S POSITION.

"The balance of Atlanta's citizens may laugh, take things by hearsay and by prejudice; but not so with you. For you are set apart and purged by your oaths from prejudice and bias. For you there is no bending except toward the sworn evidence in the case. And you are without the echo of the hostile mob or overzealous friends. You have no fear of favor of affection. Others may hesitate at the task of standing up for the oppressed, but not so with you. You are a silent, consecrated body that can have no cry of derision; you will do your duty, which is consecrated by justice and approved by law.

"I cannot discuss this case as I feel I ought, but in the higher places I may with modesty go over what my brother Arnold so ably discussed yesterday. I do not think though, that there is any field that he was not thoroughly explored."

"Let us consider this crime, now. What is the first suggestion that comes

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IN SCATHING TERMS ROSSER SCORES DALTON, DORSEY, POLICE

(Continued From Page 1.)

into any man's mind when such a crime is committed? There is no crime worse than this. There is no punishment too severe for the man who did it. Here is a young woman with her life before her—a young woman not wealthy, perhaps, nor learned but with that bounding joy that comes from youth. No punishment could pay adequately for that crime.

“Let us look now upon things as they are. When some great crime has been committed, it is human nature to punish for it. When an Indian was killed, what his friend wanted was a victim. It didn’t matter who, he wanted a victim—an eye for an eye and a tooth for a tooth.”

“But thank God the day of the Indian has passed! In this bright day of this glorious age we seek the guilty. I believe this jury is a courageous jury. And they will not undertake, like the primeval man, to send to death a victim unless that man is proven guilty. Let’s reverse this proposition. Who would be the man likely to commit the crime? Look first at the surroundings from which such a crime should come. We go to a hen roost where devastation has been committed. And if the hen’s neck is mangled we say ‘a mink did that.’

ABOUT PENCIL FACTORY.

“My friend Hooper understood that, so he said ‘Look at the history and surroundings of this pencil factory. It is just the place you would like for such a crime as this.; Is he right? Look for yourselves, gentlemen. This pencil factory has been there since 1908. It has employed hundreds of men and women. The average employment is about 200. They may not all be honest, they may not all be good. I don’t suppose they were. You find good women and you find women not so good, in all strata of life. Has this factory been a hotbed of pollution and vice? With my friend Dorsey excited almost beyond endurance, straining every effort to blacken it. What woman has said one word against this factory?”

“In all of these five years of the pencil factory’s history, what have they found with their microscopic examination? What man or woman have they found to say a word against the moral atmosphere of the factory?”

“Conley? Yess, I’ll come to him later.”

“Dalton? I’ll speak of him now.

“Did you take a good look at him when he went on the stand? God Almighty, when He writes on a human’s face, doesn’t always write beautifully, but he never fails to write legibly. If you were to meet Dalton in the dark wouldn’t you instinctively put your hand on your pocketbook? When God Almighty writes ‘thief’ on a face, there’s no mistaking it.”

“DALTON A THIEF.”

“When Dalton stepped upon the stand, before he had said a word, my friend Arnold leaned over to me and whispered, ‘There’s a thief’ if I ever saw one.”

“Did you see me feel for him? Did you see me asking if he ever had been away from home for any length of time? Did you see me asking if he ever had been away from home for any length of time? Did you see me try to slip up behind him, and id you see him doge me and get away every time? When he left the stand, I said to Rube, ‘That fellow’s been in the chain gang as sure as God rules the earth!’”

“Did he steal once in the first flush of irresponsible boyhood? Yes, he stole then, but he didn’t stop there. He stole when he was a man. He moved into another county and he kept on stealing. Taking the proper ration of the caught to the uncaught, there’s no telling how many times he has stolen.”

“I believe in the divine power of regeneration as applied to every sort of a sinner except a thief and a prostitute. In all my experience I have never yet seen a reformed thief or a reformed woman who had fallen.”

“The Master recognized that truth. Do you remember when He was on the cross and He had a thief on each side of him? One of them railed at Him, but the other one spoke gently. And to the one who spoke gentle He said, ‘This day shalt thou be with Me in paradise.’ The Master didn’t give him until tomorrow, because He knew if He did that thief would be stealing again in Jerusalem before the sun went down. He said, ‘This day shalt thou be with Me.’ He didn’t take any chances on that thief.”

HAS DALTON REFORMED?

“Has Dalton reformed? He’s done the dirty thieving trick that a thief always does when he wants to make people believe he’s reformed. He’s gone to a congregation of honest Godly people and joined them. When a man stinks in two counties, and wants to get away from the odor of his misdeeds, he generally joins the church.”

“What did this thief do when Mr. Dorsey asked him if he had ever been to that factory basement for immoral purposes? He could have declined to answer. He could have hung his head. Did he do that? No, he grinned. He was as proud as a boy with a new red top. It was the first time in his whole obscure thieving career that he ever had been in the limelight. It was the first time he ever had talked to honest men and had their attention, much less their respect.”

DALTON’S BRAZEN REPLIES.

“And what sort of a woman was it in Frank’s office? I asked Dalton. His brazen answer showed his kind. ‘I had a peach myself and I paid no attention to anybody else.’ And his peach was—Daisy Hopkins! I have no brief for Daisy. I’m sorry for her. If she so forgot herself as to allow a state of intimacy to exist between herself and that dirty brute, Dalton, God pity her.”

“Men may say to her as our Lord said to Mary, ‘Go thy way and sin no more.’”

“And she was a peach, said Dalton,--‘and I had my eyes on her alone.’ But gentlemen, remember this. Conley says that Dalton didn’t have that peach—that lemon! Conley said that Dalton had another woman who lived between Hunter and Hayne streets.”

“Now comes the crowning infamy of the whole thing. I am not saying that men are wholly had because they fail before the siren call of passion. But gentlemen, no decent white man ever bragged on the stand about the peach he had. Why, even the animals go away from the sight of others. It requires decency and cleanliness, and good surroundings, for gentlemen to fail. Burns says, ‘Deal gently with men, and more gently with women, for to step aside is human.’”

“‘The difference between hyenas and other beasts is that they fall with brutality, and a gentleman fails under decent surroundings and under real temptation.”

“Dalton, like a gopher, went down the scuttle hole—the gopher hole! My friend Hooper comes from south Georgia, and uses ’em for change. And he knows a gopher usually has a rattle-snake in his hole. And so Dalton went down that dirty hole into the basement, and then went further into the inner sanctum of filthy, which didn’t even belong to the gentlemen who ran the factory. He went into the dark, dirty, filthy, slimy, cosy goods box, which was covered with a sack which if put to the nose of a skunk would be offensive. And he took her, this peach, down there, where a dog wouldn’t step aside–a place where a cat would never encouch; where

LEO M. FRANK’S TIME ALIBI

7:30 a.m.	**Minola McKnight**
8:25 a.m.	**Frank arrives at factory, sees Holloway, Alonzo Mann and Roy Irby**
9:00 a.m.	**Darley, Wade Campbell, Miss Mattie Smith, Mr. Line.**

9:20 a.m.	**Miss Mattie Smith leaves building.**
9:40 a.m.	**Darley and Frank leave building.**
10:00 a.m.	**Frank at Montag Bros., sees and converses with Sig Montag H. Gotheimer, Miss Hall, Mr. Matthews and Mr. Nix.**
10:30 a.m.	**Alonzo Mann telephones servant at Schiff's to tell**
11:00 a.m. to 11:30 a.m.	**Frank returns to National Pencil Company. Holloway, Mann. Miss. Hall: Frank dictates mail and acknowledges orders.**
11:30 a.m.	**Mrs. White.**
11:35 to 11:45 a.m.	**Miss Corinthia Hall and Mrs. Emma Freeman, B. Graham and Tillander (two men in Frank's office) Mrs. May Barrett.**
11:45 a.m.	**Miss Corinthia Hall and Mrs. Emma Freeman leave building.**
11:50 a.m.	**Mrs. White leaves building.**
12:02 p.m.	**Miss Hattie Hall leaves office.**
12:05 p.m. to 12:10 p.m.	**Miss Monteen Stover.**
12:12 p.m.	**Approximate time Mary Phagan entered office.**
12:14 p.m.	**Time Mary Phagan left office.**
12:20 p.m. to 12:22 p.m.	**Lemmie Quinn.**
12:30 p.m.	**Mrs. White**
12:50 p.m.	**Frank on fourth floor with Messrs. Denham and White and Mrs. White.**
1:00 p.m.	**Frank leaves factory.**
1:10 p.m.	**Miss Kern sees Frank at Jacobs' Pharmacy (or Whitehall & Ala.)**
1:20 p.m.	**Mrs. Levy sees Frank get off Georgia Ave. car and enter home.**
1:20 p.m.	**Minola McKnight, Mrs. Selig, Mr. Selig at Selig home on Georgia Ave. see Frank.**
1:25 p.m.	**Mr. Frank talks to Hixon, servant at Ursenbach, over phone from his house.**

Between 1:55 p.m. and 2:00 p.m.	**Mrs. Michael, Julian Loeb, Jerome Michael, Mrs. Wolfsheimer see Frank at Wolfsheimer house.**
About 2:10 p.m.	**Hinchey sees Frank at State Capitol, corner Washington and Hunter Streets on Washington Street car.**
2:20 p.m.	**The Misses Carson see Frank in front of M. Rich & Bros. Co.**
2:50 p.m.	**Miss Rebecca Carson sees Frank go into Jacobs' Whitehall and Ala. Str.**
3:00 p.m.	**Frank goes into Pencil Factory to the fourth floor to see Messrs. White and Denham.**
3:08 p.m.	**White and Denham go to Frank's office.**
3:10 p.m.	**Frank begins work on financial sheet.**
3:45 p.m.	**Newt Lee.**
About 6:00 p.m.	**Frank completes work.**
Between 6:00 p.m. and 6:05 p.m.	**Newt Lee and Gantt.**
6:10 p.m.	**Mrs. Selig says Frank at Jacobs Whitehall and Ala. Str.**
6:25 p.m.	**E. Selig sees Frank at Selig home.**
6:30 p.m.	**Mrs. Selig, Minola McKnight and E. Selig see Frank at Selig home.**
7:00 p.m.	**Frank phones to the factory to Newt Lee.**
Between 8:00 and 8:30 p.m.	**Mr. Goldstein, Mrs. M. Marcus, and Mrs. Sarah Marcus.**
10:25 p.m.	**Mr. Isaac Strauss sees Frank at Selig home.**
10:30 p.m.	**Frank retires to bed.**

Photograph of time chart submitted to jury Thursday afternoon by Attorney Arnold. By means of this chart, based upon testimony of both state and defense witnesses, Frank's attorneys seek to

prove it was a physical impossibility for him to have killed Mary Phagan.

no decent human being would draw his breath, much less relieve his passion. That, gentlemen, is Dalton.

ATTACKS DORSEY'S PARTISANSHIP.

"I am partisan, gentlemen, and I admit it. And the solicitor says that he is not. God knows, gentlemen, I've never heard such partisanship in any court before. I never heard a solicitor general, sworn to enforce the laws impartially, say: 'I'll go as far as the court will let me.' 'I'll go as far as the court will let me' he said when checked by the court. How far did he go, out of court? Nobody but God ever will know. And if the length the solicitor general, that high official, has gone can be measured only by the infinite, to what length do you suppose these detectives went?"

SERPENT'S TRAIL.

"There is only one other man besides Dalton, who said that he, Dalton, had been to the factory with a woman. And he said that Dalton went into the factory with a woman between 1 and 2 o'clock—when Frank always was at lunch. This man, and I have no reason to believe he was not telling the truth, says that he only saw Dalton enter the front door, and does not know where he went inside the building. That was at a time when the same entrance was used by the Clark Woodenware company and by the pencil factory. But, gentlemen, I am prepared to admit that Dalton left an oozy trail, the trail of a serpent, whether he went to the factory or to the woodenware company."

"Now, gentlemen, is there anything else except the incidents where Frank was connected—and I'm coming to that later—against the factory? Is there anything indecent, anything that would make it different from other factories? Think of a factory that had on it the keen eyes of Starnes, who stops at nothing; the watchful eyes of Black, whom I love and whom I want to put my arms around every time I see him; and the eagle eyes of Pat Campbell, who didn't dare to go on the stand for fear I'd ask him how he got those statements from Conley; and the eyes of Scott, who was one of that lovely quartet. Is there a factory is Georgia that could stand the searching probe which they gave this one?"

BEAVERS' NEW DECALOGUE.

“Let us see. In the first place, we’ve had a mighty upheaval in Atlanta in the last year or two. My friend Beavers has written a new decalogue, and he has searched the town with a fine tooth comb, hunting for wrongdoers. He has put on a vice squad—I was near saying an immoral squad, but I won’t. A vice squad has been searching the city for every louse on the head of the body politic. Had this factory been polluted, would it have escaped?”

“Would Schiff, over there, or Darley, or any one of a hundred others, be at large today. If they had been running a disorderly house in that factory? One of the coolest thing that my friend Hooper said—and he doesn’t want to be cruel, he is a so mild that he can’t do much harm—was that the evidence showed that Schiff and Darley were immoral. There’s not a thing to show guilt or misconduct on the part of that man Schiff—not a line of evidence.”

“Would Schiff, over there, or Darley, or any one of a hundred others, be at large today. If they had been running a disorderly house in that factory? One of the coolest thing that my friend Hooper said—and he doesn’t want to be cruel, he is so mild that he can’t do much harm—was that the evidence showed that Schiff and Darley were immoral. There’s not a thing to show guilt or misconduct on the part of that man Schiff—not a line of evidence.”

“You saw him on the stand the other day, and you will concede that if my brother over there does top him in morals he does not in brains. Who says a word against this 22-year-old lad? Or against Wade Campbell? But at the same time they are attacking the, they take this dirty Burtle Dalton to their breast and embrace him like a 16-year-old. Unfortunately I never belonged to a class that worked with its hands. But I’ve worked with my head—not effectively, maybe, but persistently.”

“I come from a line of people who worked with their hands. I am a common American citizen, and I know the working class because my ancestors were of it. Among my breed there were no prudish women nor dudish men. I belong to ancestors who in Europe walked 500 miles to escape persecution. And II want to say, gentlemen, that these 500 girls would not have stayed eight years in that factory if it had been disorderly house.

DEFENDS WORKING WOMEN.

“It wasn’t true, gentlemen, because it is prosperous and it has had a long prosperous career. I assert that the working women of Georgia stand higher than that. But if there was this pollution, if it be true and I am mistaken, if there were 100 polluted females or 100 weak-skinned men, the factory would have gone to places in forty-eight hours. Let the head of any

factory, anywhere, practice criminal intimacy with employees, and the industry will be wrecked on the rocks of bankruptcy."

"Let us look at what sort of a man we've got to deal with."

FRANK TOLD THE TRUTH.

"I don't have to argue that he's a man of brain, do I? You heard his statement. I don't have to assert that it was his. I've got perfect confidence that it was not mine. I haven't got sense enough to have made it. I sat and heard it and wondered. It welled up from the very foundations of truth. It came as naturally as water gushes from a spring. Behind it there was no force pump, no electric power."

My brother Arnold, although smarter than I am—I believe he's the smartest man in the world, for his looks—he couldn't do it. You can take a counterfeit dollar, gentlemen, one that would fool anybody, one that would fool the secretary of the treasury; you can drop it and it won't have the ring. If my brother Arnold had made that statement it might have had the appearance or the weight of the genuine, but it wouldn't have had the ring. That story had the tone that comes from old Nature's breast when the truth comes.

"Is this man an idler? You all know the old saying, gentlemen, that an idle brain is the devil's workshop. And so it is. There is nothing truer than that. Nobody knows it better than I do. As long as I keep hard at work I'm a fairly decent man. As long as I labor I behalf myself fairly well. I go home at night and I sleep maybe not the sleep of innocence, gentlemen, but fairly well. But give me a couple of days off, and then it is different. An idle brain is the devil's workshop."

IDLERS SHOULD BE WATCHED.

"The idle men are the ones you must watch. Who are the thieves of this community? The working me? Not so. Even Starnes and Black have found that out. Even Rosser, who is kin to me—and is the only thing, I've got against him, except that he's a detective—even Rosser found that out."

"An old New York bank president retired after a long and successful career. They gave him a banquet, and they asked him to tell what it was that he had noticed most in men with regard to human character. He said that was easy to answer. He said that nearly every one of the young men in the bank had at one time or another been under suspicion. But he never knew one to get into real trouble who had been industrious."

“Maybe there are such things as Dr. Jekylls and Mr. Hydes. My fiend Hooper may know more about that sort than I do. But do you judge men by the exceptions? So, you judge them by the mighty rule. You don’t spyglass the eddies to judge the flow of the river.”

“We put this man’s character in issue. Now don’t be deceived by that. If we hadn’t done it, the law would have compelled you to assume that his character was good. We could have stood on that rule of law. But we didn’t wish to. You are entitled to know what manner of man he is. And we’ve given it to you.”

FRANK’S CHARACTER.

“I assert that not a soul in the sound of my voice could have shown a better character than this man has shown by the credible testimony.”

“I’m not talking about the story of that dirty, thieving Conley—a story that no decent man could swallow without vomiting.”

“‘Oh, yes,’ they say, ‘but some of the girls swore against his character.’ I’ll come to that. And I’m not going to try to fool you, either. In the first place I couldn’t if I tried, and that’s reason enough.”

“You all know that you can get people to swear against most any man. If I was the defendant, and my friend Reuth had so far forgot himself as to put my character in issue. I’ve no doubt that you could find a number of men who would swear that I was vicious. But I don’t think I am extra ordinarily so. I’ve no doubt that in my long career as a lawyer I have here and there lambasted a rascal and dealt unjustly with an honest man, and that they would be glad, feeling themselves aggrieved, to come up here and swear against my character.”

“These girls who work with this man day after day and year after year have told you that his character is good. Some others, maybe they were envious, maybe suspicious, maybe they felt themselves aggrieved, swore that his character is bad. Maybe they thought they were swearing the truth.”

“Do you doubt that you could even find men to swear against the character of his honor, the judge in this case? He’s an honest man and a true man, as we all know. But he has had to come in contact with the prejudices of people. He has had to deal severely sometimes. But would you believe those who feeling themselves aggrieved, might swear against him? Or would you believe those who had seen him in sunshine and in shadow,

who had seen him under stress, and came here and swore that his character is good?

ATMOSPHERE OF PREJUDICE.

"Now, what about Frank's character? Here are these young ladies who swore against him. And I have not a word to say against them. Miss Cato was there three and a half years. She stayed there until after this murder. Do you think if she had believed in her heart that his character is bad, that she would have stayed there? Why, gentlemen, you know that she would have fled from him as from a pestilence. Ah, gentlemen, she has heard these wild stories since the murder. She was looking at him through the dense heated unreal atmosphere of prejudice. Then Miss Maggie Griffin, who was there wo months—what did she knows of his character as compared with those who were there three years? Then Miss Dunnegan, who was there two or three weeks two and a half years ago. Miss Johson was there two months in 1910. Miss Nellie Potts was never there and never saw Frank in her life." Miss Rosser mentioned the others by name, showing that they had been in the factory from three days to a week.

"I assert that if the bishop of Georgia (I believe they call him the bishop of Atlanta now) was so unfortunate as to have his character put in issue, I could find more men who would differ with his character than the number of girls they have found to swear against this defendant."

THIS IS THEIR CATCH.

"This horde of police, this spyglass squad of detectives—Campbell, Starnes, Black—have seined every pond, have spyglassed every corner; and this is their catch! Generated by that mighty detective, Lanford; advised by my astute friend. Dorsey, this is all they have found. Well, you ought to be proud of it, gentlemen," turning to face some of the detectives at the state's table. "And how much of the Minola McKnight methods they have used, no one knows but God in His infinite wisdom."

"Hundreds of men worked at that factory. They are the stronger vessels, to cop with the kindness and the tenderness of such gentlemen as Black and Starnes and Campbell. Is it possible that if Frank is such a monster there was not one man at the factory who was honest enough and brave enough to come up here and tell you about it? Is it possible that not one man worked there who had sense enough to discover it? They had Gantt here—that long-legged fellow who was the cause of all this trouble, according to my friend Hooper."

“I’m not going to say anything harsh about Gantt, but you all know why he was discharged. Under the circumstances of his discharge, had Frank been a monster and a pervert, who would have been gladder to come home here and proclaim it than Gantt? Gantt was on the stand twice. And he never said a word against this man’s character.”

RACK TO CONLEY’S STORY.

“Now I have dealt with conditions and with his character. Let us see if there is anything except Conley’s story that points the finger of suspicion toward Frank; any circumstances that is not suspicious only because it has been twisted and turned and gangrened by prejudice? If they have any other suspicions against this man which they have not brought out, as my friend intimates, then they have done you a great wrong, for you want to know all of the facts.”

“One of their suspicions is that he had been preparing to get in contact with this little girl. Let’s see about that. Miss Roberson said that on the fourth floor several months ago she saw Frank teaching this little girl something about her work, and Dorsey insinuated that he did something wrong while he was teaching her; but Miss Robertson did not. And he showed only that Frank called her ‘Mary.’ If you had overheard a conversation months ago could you say whether Arnold called me Luther or called me Rosser? Rut with it all, gentlemen, she testified that there were 20 or 40 girls on the fourth floor at the time.”

SORRY FOR TURNER.

“Next comes a little boy named Turner. And I have nothing to say against him, for I’m sorry for him. Think of the claws with which these detectives dragged his statement out of him. Picture Minola McKnight and then think of him. He testified that he saw Frank talking to Mary, and under the wheedling of Dorsey he said that she backed off from him and he told her he was the superintendent of the factory.”

“Does that show a dark plot? Suppose it does. There is one thing that takes the sting out of it all. It was all in broad daylight, and he said that all the other little girls were there. Can you suppose that a man of his intelligence would begin improper conduct toward that little girl with her friends around? She was a gentle, sweet girl; and she would have known by no past experience but by a God-given nature, the first moment that his hand made an improper motion or when he ogled her with his eye. And a girl like her would have fled like a frightened deer and confided in this good

man sitting here," pointing to Coleman, "and to her mother, and her days at the factory would have ended then."

"Does anybody make anything out of this circumstances except Dorsey and Starnes here who thinks it right to violate a criminal law to get a false affidavit? And then there is Dewey Hewell's testimony, that she saw him talking to Mary. But she said that Grace Hix, was there, and Magnolia to Frank, "no matter what his character, would have mistreated her there in the presence of her companions?"

"If you do, you think like Dorsey, and there's no use in me arguing this case. But gentlemen, he couldn't have mistreated her. She would have bounded away like a deer. My friend from the wiregrass would have you believe that that was the beginning, and that then Frank turned off Gantt. Gantt was turned off for what? Everybody knows. I have no doubt that these detectives have whispered in his ear that Frank got rid of him as a part of his plot. But if it was true, don't you know that he would have been the first to denounce Frank as a living monster? And there is another suspicion. I was going to leave Conley out, but I will deal with them just for a moment. They say that Frank plotted Friday with Conley. Conley says that Frank told him at 4 o'clock Friday afternoon to come back the next day.

HOW COULD FRANK NOW?

"How could Frank have known that she was coming to the factory? Placards have been placed about the factory, saying that they were going to pay Friday. And he had every reason to suppose that she would get her money then. It is true that five or six envelopes were left over. But Frank did not know to whom they belonged, according to the undisputed evidences of Schiff.

"Then there is Helen Ferguson, who says that she asked for Mary's pay. And again Miss Magnolia Kennedy, who says that she was with Helen and that Helen did not ask for it. One of those two girls is mistaken. You must decide which. No matter which was mistaken it was months after the occurrence when they testified; and would anybody consider that a circumstance to bring about a man's death?"

"Again, how did he know that she wouldn't come when Lemmie Quinn was there, when Darley was there, or how did he know that she would come at all? It was the custom for people who didn't get their pay on pay day to get to the next morning day. How did he know? The charge that he did know is nothing but gangrened suspicion, a cry for blood, a cry of prejudice and of passion. Then there is another suspicion."

“My good friend Black, whom I love, said that Frank was nervous and Darley said that Frank was nervous, and Montag said he was nervous, and so was he (Montag), and so was Mrs. Montag, and so was Isaac Haas. Why didn’t they hang old Sig? He was ner-

Continued on Page Five, Cot. 1).

DORSEY WILL CONCLUDE, SUMMING UP CASE AGAINST FRANK

(Continued From Page 4.)

Vous. Or old Isaac Haas, who has been here so long?

TIME FOR NERVOUSNESS.

“Why didn’t they hang Darley, to whom they have intimated improper conduct, although there is not a word of evidence to substantiate it? Is there a soul within the sound of my voice who would not have been nervous if they had seen that little girl, cut off in the beginning of her young life, lying there disfigured—a beautiful flower smeared in the mud, crushed in the cinders? Would it have made you nervous?”

“Man is made a little lower than the angels, but since he was first made he has been falling pretty fast. But at that is there a man so careless that the tears wouldn’t come to his eyes when he looked at that little child? I’m not chicken-hearted. I could see one of you hurt pretty badly, and not cry about it.”

“I can see a grown man hurt, and I expect him to bear it like a man. But I’ve never heard the cry of a woman or a child, that I didn’t become excited and nervous and sorry. God grant that my end may come when this is not so. Nobody but a man-hunter, yelping and crying on the trail, would hang him because his nerves fluttered when he looked upon that poor child’s mutilated body. There was another suspicion.”

“He didn’t wake up when they first telephoned to him. That depends largely on what he had for supper. Some of us sleep lightly. Some of us sleep soundly, so soundly that we do not often hear the breakfast bell. Would you hang us for that?”

“They called three families that morning. Sig Montag didn’t hear. His wife did. She had to wake him up. They telephoned to old Uncle Isaac Haas, and his wife had to go and say, ‘Ike, the phone’s ringing.’ Why not hang Sig?

Why not hang Uncle Ike? Why not hang them both if we are going to hang men for not answering their telephones?”

SIGN OF GOOD CONSCIENCE.

“Gentlemen, when Frank didn’t hear that telephone ringing that morning, it was a sign of peace of mind and good conscience.”

“But that ain’t all the suspicious circumstances. Oh, no. My friend says their hired a lawyer. They hired me too quick. Now, what’s the undisputed fact about that? Now I remember the pencil company because I once represented them in a matter. I don’t remember Frank. I don’t think I ever saw him. Now let’s look at the conditions which surrounded his detention. Sunday Frank went to the police station twice and he talked to them frankly and openly. He wasn’t suspected then–or at least I don’t think so. Of course nobody knows what was in John Black’s head. That’s the reason I like John. I like him because nobody knows what’s in his head. But Sunday, gentlemen, Frank wasn’t arrested.

“Now on Monday though, they didn’t have the same attitude. Monday he went down again.”

Judge Roan interrupted the attorney to declare the morning recess of five minutes. After the recess Attorney Rosser resumed.

ONE OF WORST SUSPICIONS.

“One of the worst suspicions against this young man was the employment of a lawyer. Now we’ll go into this matter and see what’s in it. I told you on Monday they adopted a different plan. They sent two detectives after him. John Black said he’d been watching him. The idea of the police was to show their fangs, to frighten him. But they didn’t keep him against his will. Oh, no! John Black said—and John’s as honest man—that they didn’t.”

“When he was on the stand here the other day, and I asked him what he meant by ‘releasing’ Frank on Monday, he stuttered and snapped two or three times like a turtle and said, ‘Just releasing—that’s all I meant.’ No, they didn’t arrest him that day. They just brought him down there and made him sit for an hour and a half while my friend Newport, with his wonted (dignity, attended to police business. He was letting him soak. My friend Beavers over there, the handsome one, walked around and let him soak. And Frank sat there and took it all.”

Attorney Rosser turned toward the accused. "'That's only the weak thing you did in this whole case. It's the only time you were foolish, the only time you didn't show good sense.

NEEDED TWO LAWYERS.

Facing the jury again, Mr. Rosser continued, "He didn't know what he was up against. If he had, he'd have hired two lawyers. He wouldn't be contended with one old one-horse lawyer like me."

"But old Sig had been here a long time. He knew that police crowd. And they're good fellows. I'm not going to say much against them. I'm afraid too. You notice me now, and see how prudent I am. Why, gentlemen, they'd have me arrested before tonight for white slavery or something."

"But Frank didn't have the honor of acquaintance with any of these gentlemen. The state tried to show that he had a large acquaintance among the B'nai B'rith. I guess I pronounced it right. You know what I mean, anyhow. He did. He knew most of the members. He was president, and director of their charities. But that didn't bring him into brotherly relation with the police crowd."

"But Sig Montag knew them, and he called up Herbert Haas and told him to go down there. Now, Haas didn't want to go, and he didn't want to go for one of the best reasons on earth. I'd give $20,000 to be deterred by the same reason. His wife was about to be confined."

Sig Montag got into his auto and went to Haas' door and said, 'You've got to go.' He knew that Frank wasn't released.

"I remember an incident in English history that fits in well here. They were fixing to hang Sir Thomas Moore. They led him to the scaffold and he started to go up and found that the steps were rickety."

"He turned to his lieutenant and said, 'Assist me up, I'll shift for myself coming down.' This man faced a proposition like Sir Thomas Moore, but he didn't know it. He was under arrest—if you'll let him say so. But he was a citizen sitting there alone, and they wouldn't let his friends or his lawyer see him. And what happened? That young lawyer over there, with his mind divided between Frank and his great domestic climax, went to a telephone and call me up. Dorsey, with his eyes close together over there, like a snake, says 'He hired a lawyer at once.'"

SOLICITOR WILL REGRET IT.

“Gentlemen, when the solicitor reaches the place in years that I have, he’ll regret it. The things he has done on this trial will never be done again. I’ll stake my life on it. But Dorsey says ‘he got a lawyer.’ And his eyes got as green as the beads on a woman’s dress, and he said ‘Dirty dog! Idle murderer!’

ANOTHER SUSPICION.

“Yes, there’s another thing they say he did that was suspicious. He hired a detective agency that same afternoon. But let’s get the situation, gentlemen, under which that was done. He had been to the police and given them a statement. But I had better go back and tell what happened when I got there. I went down there, and he didn’t know anything about my being called. I don’t think I was a very welcome visitor. They didn’t take my hat when I went in. I don’t think they wanted me, and I haven’t changed my notion yet.”

“I said ‘What’s the matter, boys?”

“One of the men standing near said ‘They’ve got this man arrested and they suspect him for the crime.”

“Did Black speak up and say ‘No, we haven’t got him arrested?’ Not so. The police don’t mind quibbling, and the detectives don’t mind quibbling, and the detectives don’t mind telling lies to a man. In an effort to make him tell the truth. One of them said, ‘We want this man to make a statement.’ I said ‘All right, go ahead.’ Then Lanford turned to him and said, ‘Come on!’ just like he was speaking to a yellow dog. I started to follow them, and they said ‘We don’t want you.’ I said, ‘No, I don’t guess you do, but I’m a-going in anyhow. I’m not going to interrupt you. I’m not going to make any suggestions to that man. But I’m going in there.’

“Now, gentlemen, I had a good reason for going in there. I didn’t want them to say that he had said something which he didn’t say. And why shouldn’t I have gone in? Wasn’t I as good a citizen as Chief Newport Lanford? Didn’t I have the interest of society as much at heart as he did? Wasn’t I as likely to want the murderer caught? Was I any more likely to try to cover up a crime?

WHY DIDN’T LANFORD TESTIFY?

“I told him that it was preposterous, that a man to have done this crime would have marks all over him. Then Frank as quick as a flash let Lanford, examine him. Why didn’t Lanford go on the stand and deny that

examination? Was it because he dreaded Reub Arnold? Or was it because he was afraid we'd make him tell that dark, disgraceful Conley chapter?"

"Then they released him, according to my friend John Black. John's a man who will tell the truth if you pull it out of him. They searched Frank's house and looked over his dirty linen. Then he had that séance which few good citizens, I am glad to say, are called upon to suffer."

WANTED MYSTERY SOLVED.

"Did he keep quiet? He would have kept quiet if he'd been a guilty man. But he didn't. he thought of the brutal murder. He thought of the bereaved family. He thought of the shock to society. So he telephoned to Sig Montag and suggested that they get a detective to ferret out the mystery."

"Why?"

"Because, according to the police, he wanted a detective to protect himself."

"Why, gentlemen," turning to face the detectives. Vis that the sort of men you've got in your profession, that you can hire a detective if you're guilty, to protect you?"

ATTACKS SCOTT.

"Well, if that was the reason Frank hired the Pinkertons, he was speedily undeceived. Right there cropped into this case the most remarkable piece of business that I ever heard of. I wish Scott was here because I wanted him to hear this. Scott took down his statement and then told him that he would work hand in hand with the police. Now wasn't that a gallant band of detectives?"

"I expect maybe some other decent man will employ Scott, because decent men do mighty funny things sometimes. Mark you, gentlemen, the very day he hired Scott, Scott told him exactly the line he was going to work on. You'll have to give Scott credit for that. Scott told him in substance 'If the police suspect you, I'll suspect you. If the police trail you, I'll trail you. If the police hang you, I'll hang you."

"When Scott told Frank that, did Frank differ with him as to the price or dismiss him on some other pretext?

No, He said, 'Go ahead.'

“Now, gentlemen, consider that spectacle. Here was a young Jew, unversed in the ways of the world, raised in the north, unacquainted with our southern ways, practically without acquaintances in the community except among his own sect, hiring a man to trail the murderer even though the murderer be himself. I say no scene like that has been painted since Abraham left Ur of the Chaldees.

STILL ANOTHER SUSPICION.

“Now is there anything else suspicious against him? Yes, they say he tried to direct suspicion toward Newt Lee. How false, how vilely false! He simply found that when he first looked over the time slip he failed to notice that there had been skips in it. Darley testified to that. The detectives haven’t dared to try to contradict it. He told you that when he took that time slip out of the clock he wrote the date on it, and that the date had been erased. Then what happened? Our little friend Dorsey had to stand up in his place and admit that he had made the erasure.”

“They intimate that he or his friends hid the bloody shirt. Now that’s the cruelest of all the things they have tried to charge against him. There’s not a line of testimony to support it. There’s not a fact to indicate it. It was not even suggested by my friend Hooper as a fact.”

“He merely advanced it as a supposition—and a pretty weak one at that. Black and some of the others found it in an out-of-the-way place. They brought it to the station house and Newt Lee acknowledged it was his.”

At this point Solicitor Dorsey disputed that Lee had acknowledged the shirt, and Mr. Rosser passed the point over.

“Gentlemen, this boy,” pointing to Frank, “didn’t know where Newt Lee lived. They want you to believe that he went to Newt Lee’s house, got that shirt, bloodied it, and hid it in a barrel behind the house. Why, I don’t believe anybody in the world with a grain of sense would believe such a ridiculous story. What are we coming to when they are willing to do a thing like that to hang man?”

“There’s been some wrong things in this case, and one of them is the effort of the police, in which the newspapers also have had their share, to picture this trial as a conflict between the lawyers. God grant that we will never fall so low as to have an intellectual combat with this poor boy as the stake.”

TURNS SUSPICION ON LEE.

“This shirt is one thing I’ve never understood; and there’s another. Why didn’t Newt Lee find the body sooner than he did? How did he see it from the place he said he saw it, when the police couldn’t see it from there? How did he know the body was that of a white girl when he first saw it, when it took the police several minutes to discover that it was a white girl?”

SUSPICIOUS OF LEE.

“I don’t believe Newt Lee had any-thing to do with that murder, but I’ll always believe he knew something about it. You know the negroes have got a strange, peculiar way of transmitting information among themselves. I remember during the war when all the wires were down we got news of battles from the negroes long before the newspaper got the news.”

“I’m afraid Lee didn’t have to go down there to know that a girl had been murdered. I’m afraid he didn’t have to look at her to know it was a white girl. But that old man Lee was one of the most remarkable negroes that I’ve ever seen. I wish I had his never and his endurance. Looking at the detectives Mr. Rosser said, ‘The dirty trick you’ve played on that negro should have shamed you long ago.’”

“They hammered at him from daylight till dark. They didn’t let him sleep. When one would paly out, another would start. They even fired pistols near his car. Oh, what he went through with only the detectives know! But he wore them out, he wore out dozens of them. But he ended every statement with ‘Before God, I’m telling the truth.’”

LEE JUST A SIDESHOW.

“I believe that he knows something else, but he is a sideshow in this case. Lee said Gantt met Frank; Frank looked surprised. And he had senses enough to know and to say why Frank looked surprised. Did you ever take a look at Gantt. Gantt, you know, had been discharged, and even the negro said that he thought Gantt had come there to ‘do Mr. Frank dirt.’ Both Lee and Gantt now say that Frank jumped back.

“They didn’t say that at the coroner’s inquest. You can’t destroy old Lee, but you can knock a limb off occasionally. Suppose Frank did jump back? Why, look at the man?” pointing to Frank. “You can take a girl like Mary Phagan, and put ’em on the fourth floor together, and she could make him jump out of the window. He doesn’t come from a fighting breed.”

“Not since Titus have they been noted for fighting. There was a time when the Roman legions were knocking at Jerusalem’s door, but they defended their homes so tenaciously that the race was almost annihilated.

Since then it's been scattered over the face of the earth, and the dominating race in each country always has persecuted the Jew. I don't mean that individuals will not fight, but they are not fighters as a race. They are wayfarers among the people."

FRANK PHYSICALLY WEAK.

"This boy physically is a weakling. Mentally, he is a giant. I don't say there's not bravery among his people but it is not bravery of a rampant, bulldozing nature. If my little friend Dorsey had had trouble with that big fellow Gantt, and had suddenly come upon him, he would have jumped back. Big as I am, I at least would have gotten out of the reach of his fist. Oh, what an idiotic little groveling, snake-like suspicion!"

"I deny that Frank threw suspicion on Gantt. Scott does say now that Frank told him that Gantt was familiar with the girl, but Scott didn't say that to me, and he didn't say it in the report to his agency, nor in the report to the police department which by agreement they were furnished twenty-four hours in advance of us."

MORE SUSPICIONS.

"One other suspicion. He told Newt Lee, when Newt arrived there, that he could go and stay away until 6 o'clock. But he brought him back at 6 o'clock, when he knew that the negro, if he performed his duty faithfully, would go over the whole building in thirty minutes and go right where her body lay. It is inconceivable that he would keep Lee away for two hours by a trick, and then let him roam unchecked over the factory. Then what did Frank do? He went to his home and read like a decent man. And he laughed when he found a joke. But my friend Hooper would have you believe that the laugh was a part of his plot. Gentlemen, do you believe that he would have left the body there to be found by the negro?"

"Another thing. They say that Frank was there when the girl went into the factory. You know it because Frank readily said he was there. The detectives didn't even have to fish for it. But it turns out that he was not the only man there. If he had been the only man, we might see where the Pinkertons' suspicion would point toward him. He was there in his open office doing his work. There were two young men on the fourth floor who could have gone to any part of the factory without his seeing them. They have tried to dispute this, but the evidence has shown that it is as certain as the sunlight—as certain as that I am laboring in pain to make this speech to you. But that is not all.

AND CONLEY WAS THERE.

“Conley was there. Unfortunately it came out only day before yesterday that another negro was there—a negro of lighter hue. They were there with every opportunity for murder. And nobody but the infinite knows who the other negro was or how many others might have been there."

"These facts cast away forever the suspicion that Frank committed the crime because he was in the factory. They cast suspicion away from all but mean and narrow minds. Oh, Father of Abraham, Isaac and Jacob, may no such prejudiced suspicion rankle the minds of this jury!”

“Arnold has dwelt on this point, and you must not hold it against me if I fail to cover the ground as well as this legal giant,” pointing to Mr. Arnold. Is it possible that you Anglo-Saxon men have forgotten the nature of the negro? And would you believe Conley in preference to this man?” pointing to Frank. “Who is Conley? Who did he used to be? And what was he like his old self when you saw him? Conley is a plain, beastly, ragged, filthy, lying nigger. Have I overstated that?”

“Starnes there knows that I have not; and Black knows it; and Chief Beavers has gotten off his dignity enough to talk to the negro and knows it. Conley is a plain, dirty, filthy, lying, drunken and probably lousy nigger. You didn’t see him like that. And I ask why? I ask my friend Black of the bad memory. People have laughed at Black in this court room, but John was trying to tell the truth. Scott left the stand in a heap worse fix. Some men are stronger up here in the head than Scott. Scott might detect a louse with a spyglass, but I’ve heard of this detecting nothing else.”

CONLEY “SLICKED UP.”

“Black says Conley came to the court slicked up. Think of what they did. They got a dirty black negro and in order to give impetus to his testimony they had a barber cut his hair and shave him, and they gave him a bath, and he came here like a slicked onion. Whoever played that trick was unworthy of the name ‘white man.’ Why didn’t they let you see him as he was with his spreading nose through which probably tons of cocaine have been sniffed?”

“Did you ever read Perigrine-Pickle? He picked up an old woman at the edge of London. She was dirty and filthy, and with her was a girl who was dirty and filthy but beautiful. Pickle bought her from the old woman and sent her out to his country place with instruction that she be cleaned up. And old navy lieutenant scrubbed her like he would the deck of a ship, and then

they bought her fine clothes and taught her to dance a little and sing a little, and then they took her to London and launched her as a duchess just so to see how easily society could be fooled. And she filled the role to a queen's taste till she got in a row about a whist game. I wish I could remember the words about that row."

"So my friend Dorsey's allies—I don't say he did it—shaved this Conley's brute-like countenance; they took the filthy rags from his back, and they tried to make him look like a respectable negro when they brought him before you. I wish I knew the name of the man who did that dirty trick, I would call it now."

PLAYS JIM CONLEY.

Who is Conley? He's go ta vicious character. He's a liar. The rule is that it's not very hard to find somebody whom nobody will believe. If they sent an angel to enumerate men, they'd pass Dalton by. But be found somebody that believed him. Whom did Conley fool? Who believes him? Those little factory girls knew him. He was a vile dog beneath them, but they knew he was a dog. They let him sweep the dirty floors beneath their feet, but they wouldn't stand sponsor for him."

"Who gives him a character? Do you, Strauss? Do you, John? If you do, John Black, stand up. I'll stake my life you don't, Campbell. There's Rosser, who sprang from the same ancestry as I did. I'll stake my life you wouldn't hang a dog upon his testimony, would you, Rosser? Where is the man who says his character is good? Where is the man who said, 'I'd believe him on oath?". Show him to me. You can't do it."

"And yet, gentlemen of the jury, they want you to believe him to the extent of hanging that young man over there. I thank God that in this day there is not a creature so vile, Anglo-Saxon or Africans, Jew or Gentile, who would believe that loathsome negro. Gentlemen, this honor will charge you that if Frank were a pervert, that if he were the worst pervert on earth, that shouldn't influence you in making your decision ehre. That question has been brought in here by this dirty, lying, low-down negro. I know that the very whisper of it nauseates every one of you. Gentlemen, if you consider that, if you let one inkling of that into your brains in your deliberations, you violate your oath.

GREATEST INJUSTICE.

"That is the greatest injustice in this case, the bringing in of that testimony. It was done with only one purpose under the sun—to obscure the

main issue. Oh, justice, thy God-like quality that makes the difference between heaven and hell, that makes life worth living, step in here. I will never have words to express my indignation."

"Suppose some white-skinned Anglo-Saxon faced this lying negro. What a shame that would be! What a shame it would be to accuse him! Is it any more of a shame that you accuse this son of Abraham and consider seriously the charge against him?"

Attorney Rosser paused. He was pale. He drew out his watch and looked at it. He appeared very nervous and his hands so that he had difficulty getting the watch back into his pocket. He asked the court to adjourn. "It's only within five minutes of the regular time of adjournment," said he, "and I'm between two subjects. I wouldn't like to start again now."

Judge Roan then ordered adjournment at 12:25 o'clock until 2 o'clock.

Several friends approached Mr. Rosser anxiously, but he assured them he would be able to continue his speech at the afternoon session. Frank, the defendant, shook hands with him warmly and congratulated him upon his speech.

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MANGUM CANDIDATE FOR SHERIFF AGAIN

Rumor That He Would With-draw From Race Unfound-ed-Other Names Talked

Positive announcement is made by Sheriff C. W. Mangum that he will be a candidate at the election next June to succeed himself. It has been rumored for some time that Sheriff Mangum would not be a candidate for re-election on account of ill health, but the sheriff declares this rumor has no foundation.

Rumor states that the friends of John Owens, chief deputy under the Mangum administration; Plennie Minor and Drew Lydell are being urged to enter the race for sheriff. Mr. Owens declares there is nothing to the rumor.

“Such a report,” declares Mr. Owens, “can only start with Sheriff Mangum’s opponents. It is made in an effort to split the sheriff’s friends so that the opposition can have better prospects of winning. I do not know about Mr. Lydell or Mr. Minor, but I do know that Sheriff Mangum’s other deputies will stand by him to a man.”

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GOVERNOR SLATON OFF FOR BIG CONVENTION

On Return He Will Announce Appointments, Atlanta Judgeship Among Them

Governor John M. Slaton, accompanied by Mrs. Slaton, will leave Saturday morning for Colorado Springs, Colo., where he goes to attend the meeting of the house of governors from every state in the union.

Upon the return of the governor to Atlanta a week hence, it is expected that he will at once announce his members of the several legislative ad interim commissions besides choosing the additional judge for the Atlanta circuit of the superior court and also appoint a state game commissioner to serve during his term in office.

The term of the present commissioner, Jesse E. Mercer, expires on September 1, although under the law he may continue in office until the governor sees fit to either reappoint him or name successor.

It is a known fact that great pressure has been brought to bear on Governor Slaton, asking him to name a successor to Mr. Mercer, and the friends of the commissioner are quite apprehensive for fear that this will result in his being succeeded by some one of the many applicants for the place.

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“Prejudice and Perjury Constitute the State’s Case”

Plot Alleged By Hooper Is Ridiculed By Arnold

In Masterly Argument

Attorney Asserts That Frank Could Not Have Known That Mary Phagan Would Not Come for Her Pay on Friday, He Declares That Jim Conley Killed the Little Girl With-Robbery as His Motive—Here Is His Speech

In his speech to the jury Thursday Attorney Reuben R. Arnold, for the defense, undertook two things.

First, to riddle the “plot,” as he termed it, outlined by Attorney Hooper, for the state. That is, to explode the theory of the state’s case against Frank.

Second, to make out a case against the negro, Jim Conley, that would be as strong as the state’s case against Frank.

There were other brilliant features, but these were the two big points that Attorney Arnold hammered at with all of his ability.

Taking up the plot he argued that it was ridiculous to contend that Frank, on Friday, anticipated making advances to Mary Phagan on Saturday, because all the help were being paid off Friday afternoon and, there was no way on earth for him to have known at 3 o’clock Friday afternoon—the hour when Jim Conley claims Frank instructed him to come back and watch Saturday morning-that Mary Phagan would not come and get her pay with all the rest. He argued that it was ridiculous for Conley to claim he was watching for Frank Saturday morning, when according to his own testimony he let Monteen Stover came into the factory after hearing Mary Phagan scream upstairs. He argued that it was ridiculous for Conley to claim he watched regularly for Frank from June, 1912, until January, 1913, when during that period the Clark Woodenware company occupied half the first floor and neither Conley nor even Frank would have had the right to lock the front entrance, used by the woodenware employees as well as the pencil factory employees.

He took up every detail of the state’s theory and with powerful logic undertook to show that this theory is unreasonable and absurd.

Then as to Conley. If he had been the solicitor and the negro had been the defendant charged with the murder of Mary Phagan, Attorney Arnold

could not have surpassed himself in trying to convince the jury of Conley's guilt.

He argued that the brutal manner in which Mary Phagan was killed is characteristic of a negro. "This man," said he, of Frank, "does not come of a violent face." He argued that Conley's opportunity for killing the girl was vastly better than Frank's opportunity.

His theory, constructed with consummate skill, was this: That Conley, on that Saturday morning, was half drunk, his passions inflamed, crazy for money; that he lurked in the dark passageway on the first floor at the foot of the stairs, according to his own admission; that he watched with greedy eyes every woman and girl who passed, as shown by his describing on the witness stand in a minute detail the kind of dresses and shoes worn by the girls; that Mary Phagan came down the stairs with her mesh hag in her hand; that Conley grabbed it, she refused to turn it loose and screamed, he struck her the blow over the left eye and knocked her down, and she got the blow on the back of the head as she fell; that Conley dropped her body through the elevator shaft, hung around the factory until Frank left, went down into the basement and finished his brutal work, that then, finding the front door locked and also being afraid to show himself on the front, broke open the back door of the basement and went his way.

The law is that before a man can be convicted on circumstantial evidence the circumstances must be so strong as to exclude every other reasonable hypothesis except that of the guilt of the accused.

If Attorney Arnold himself had laid down this principle to fit his case, he could not have made it fit the case more perfectly to suit his immediate purpose of clearing Frank.

His job was to convince the jury that Mary Phagan's murder can be explained just as easily—if not more easily on the theory that Conley did it, as on the theory that Frank did it.

At 2 o'clock Thursday afternoon when court resumed, Mr. Arnold continued his argument.

"My friend Mr. Hooper made some remarks about circumstantial evidence—how powerful it is. He began with the witnesses who prove the circumstances are just as liable to make mistakes as the witnesses of an actual tragedy. It positively sickens a man to read of the many mistakes that have been made in circumstantial evidence cases. I, and probably you, recall the famous Durant case of San Francisco. Two girls were found

murdered in the belfry of a church. The last man seen with them was Durrant, and the public immediately pointed the finger of suspicion toward him. One man swore that he saw Durrant pawn one of the girl's rings. Sapheads swore to this and that, and they patched up a network of little circumstances. The public was so inflamed against him that the women rotten-egged him on his way to court, and nearly every morning before the trial commenced they had to cleanse him and the people who guarded him from the refuse. The jury heard the clamor of the public and convicted him. A weak judge, the weakest of whom I have ever heard, sentenced him to death in three days. They carried this case up on a write of error, and won. On the new trial he was convicted again. And they hanged him. There was not a public cemetery in San Francisco where they would let this man's body be interred, and in the church where the crime occurred the preacher, on every Sunday, even after the man had been convicted, preached about it. And the jurors went their way and the judge went his way, while the flowers grow over this man's grave."

"This is the fact, gentlemen, that has led to the abolition of capital punishment in many states on the Pacific coast. Five years after Durant had died on the gallows, the pastor of the church was dying. He called a number of people around him and said, 'I cannot die without telling this horrible thing. I killed the two girls for whom Durant died.'"

"I recall another case, one in England. A man named Hampton disappeared. They never even found his body. He had an old lady housekeeper who had two sons who worked in the house. And, strange to say, one of the sons confessed that he knew something about the murder. The court hanged them all, and in another year Hampton appeared in life."

"I am citing these instances just to show how careful the law is and how careful it must be. People may say, like this fellow Kendley, that the burden should be on the defendant. But these cases prove that it must not be."

"I remember the case that is worse than all of these. It is that of Dreyfus, who was a Jew and a lieutenant in the French army. Somebody had been selling plans of a French fort to the Germans or it was thought somebody had. He was arrested, and the young officers court martialed him and sent him off down to South Africa to Devil's island, in exile. Now, gentlemen, always in the end public opinion shifts around. The public gets to thinking "Did we do right?" Soon after that man Dreyfus had been exiled, one man confessed and then another; and one of the worst conspiracies that ever has blotted civilization was disclosed. The French government,

although they hated to do it, had to pardon Dreyfus and bring him back. The guilty men were convicted. There is the strange thing, gentlemen, that nearly every one who was on that Dreyfus jury afterward committed suicide. That was low persecution."

"It reminds me of Shakespeare's descriptions of man." Mr. Arnold quoted it, beginning "What a piece of work is man."

"Gentlemen, the murder of that little girl is little worse than the venom of this prosecution. We have been …against unspeakable tings in this case. I'm coming to them in a few minutes. This little girl—God knows I sympathize with her parents as much as any man living!—was good and pure. But her parents, they don't seem bitter. They want the law to take its course. They don't know who killed Mary."

TAKES DIG AT HOOPER.

"One thing my friend Hooper said caught my attention. What Hooper doesn't know about this case would fill a book. He has got just a little smattering of the evidence. He started to quote Conley in his argument. Instead of quoting from the evidence, he quoted from Conley's third and fourth statements. But you can't blame him much for that. It makes me think of the story of the farmer who told his boy to plow a field. He gave the boy the plow and horse, and told him to drive a straight furrow. He said, "Do you see that bull away over there? You head right straight for him and you'll drive a straight furrow." The farmer went away, and when he came back the bull had moved all around the place and the boy was still chasing him. My friend Hooper reminds me of that boy following the bull. He didn't know which edition of Conley's story he was following. There are five of them, and if he testified any more there'd be six."

"My friend Hooper says that if Frank didn't kill the little girl, he ought to have protected her from Jim Conley. He said it would have been impossible for Conley to have dragged her body to that elevator and then taken it into the basement. He said frank would have heard it, and it was Frank's duty to protect the little girl. Did you ever hear such a feeble theory? It's as weak as his whole hypothesis of this case. If Conley had killed that girl in the metal room, do you suppose he would have brought her down there with Frank sitting in the office? Why, all he had to do was wait until 1 o'clock, when Frank would be gone."

NOT KILLED IN METAL ROOM.

“But I’m going to show you that there’s very little likelihood of that girl having been killed in the metal room. There is no evidence that she was, except what this man Barrett found. And I’m going to deal with that in a few minutes. Conley had twice as much chance to kill her as Frank. My friend Hooper smelled a plot. He said that Frank had his eye on this little girl Friday afternoon. Now I agree with everybody that the brute that killed her isn’t fit to live in this civilization. The crime smacks of cannibalism. But the state wants to get up a plot. And here’s the way their plot begins.”

CASE DEPENDS ON CONLEY’S STORY.

He picked up a transcript of a portion of Conley’s testimony. “If they’ve got any case against this man,” he remarked, “It is Conley’s evidence. Their case lives or fails with him. They say that on Friday Frank knew he was going to make some kind of assault on Mary Phagan the next day. Is there anything more absurd?”

Continuing with his ridicule of Attorney Hooper’s plot, Mr. Arnold said:

“They say that Frank knew on Friday that he was going to attack Mary Phagan, or make advances toward her on Saturday. Now all they’ve got to support the theory that Frank knew the Phagan girl at all is the testimony of that poor little Turner boy. All he said was that Frank told Mary Phagan that he was the superintendent of the factory.”

CONLEY BUILT STORY TO FIT.

“Jim begins to lay the foundation of a plot on Friday. Let’s see what sort of a plot it is. Remember, now, that Jim’s story was made to fit every known circumstance of the case. As detective Scott himself admitted, if Conley’s story didn’t fit today they would tell him so and tomorrow it would fit.”

“Now, gentlemen, I’m going to read to you a part of Conley’s testimony. And it forms one of the most disgraceful chapters in criminal history.”

Mr. Arnold then read from the testimony where Conley swore it was about 2 o’clock Friday afternoon when Frank told him to come back the next day.

“Now this was where they undertake to show that Frank had an engagement with some woman for Saturday. What woman do they mean? They have made no pretense of bringing any other woman into this core. Do they mean that he had an engagement with Mary Phagan. Why they don’t

even claim that themselves. Just so everybody knows, Mary Phagan was an honest, sweet, pure little girl."

"Now, who on earth would know at 3 o'clock Friday afternoon that she was coming to the factory on Saturday morning? The other help were all being paid off Friday afternoon. They don't claim that Mary Phagan sent any word to Frank that she wouldn't be there to get her pay until Saturday morning. Gentlemen, have we lost our senses? Are we stark naked idiots?"

"But they've got to show a pilot so they get the little Ferguson girl to swear that she went to the factory Friday afternoon and asked Frank for Mary Phagan's pay envelope. You will notice now that this good woman, Mary's mother, didn't say anything about the Ferguson girl. According to Conley, remember, it was 3 o'clock Friday afternoon when Frank told him to come back Saturday morning. Now even admitting, just for the sake of argument, that the little Ferguson girl did ask Frank for Mary's mother, how in the name of common sense was Frank to know at 3 o'clock what the little Ferguson girl was going to do?"

"Frank didn't do the paying off. Schiff paid off at a window on the outside of both offices, built especially for that purpose. Anybody with sense enough to get their own money would naturally ask Schiff for somebody else's money. Then on top of that we had little Magnolia Kennedy, just as honest looking as the little Ferguson girl, who swore that she had her hand on the little Ferguson girl's should when the Ferguson girl was paid off, and that she did not ask anybody for Mary Phagan's pay envelope."

PLOT TOO THIN.

"Gentlemen, their plot is too thin. It's too thin."

"Then my friend Hooper brings in Gantt. In the first place, Gantt doesn't come into this case in a very favorable light. Do you think Frank would have discharged him if that $1 ha been the only shortage? But I won't throw mud on Gantt because that's not the way we are handling this case. Why the theory that Frank discharged Gantt because he knew that Frank discharged Gantt because he saw that Gantt was perhaps in good favor with the little Phagan girl, is ridiculous. It happened two weeks before the murder. What reason is there to believe that Gantt knew Mary so well anyhow? About the only reason they gave is that Gantt and Mary both came from Cobb county."

"Now there are 20,000 people in Cobb county. We showed by the little Hix girl, who worked there on the second floor in the same department with

Mary Phagan, that she didn't know her herself. Then why should it be assumed that Gantt was so well acquainted with her? He wasn't her guardian."

FACTORY LIKE ALL OTHERS.

"Next my friend Hooper says there was something wrong going on down there at the factory. He's got no particular reason for saying so. Just says that because they worked 100 girls down there and because Frank, a man, was the superintendent, and because Darley, the foreman, was a man, there must have been something wrong, Now I'll venture to say that that factory was no better and no worse than any other factory of about that size in the city of Atlanta. They worked about 100 girls down there, and about 50 girls would drift in and out during the course of a year. Now you know yourselves that out of that number of girls it would not be surprising to find some who were not exactly everything they should be. And some men who are not exactly everything they should be."

"But after all of their microscopic investigation extending back over a period of five years during which investigation they went to every disgruntled employee they could find, what facts have they developed? They've found a few floating employees who come up here and testify that Frank's character was bad. Now they could have told these girls enough before they ever asked them any questions to convince them that Frank had a powerful bad reputation. And I've no doubt they did, judging by the way they've gotten some other evidence."

DON'T CLAIM PERFECTION.

"But we're not claiming, gentlemen, perfection for this defendant any more than we claim it for ourselves or than you claim it for yourselves; and no more than Mr. Dorsey and his associates should claim it for themselves. Let the man who is innocent cast the first stone. We are not trying this man on everything that may have been said about him. We are trying him for murder."

"The worst thing, when you boil it all down, was that little dressing room incident, and what did it amount to? There was no bath in the dressing room, no toilet, and it was used by the girls only to change their top dresses. The girls themselves admit that there had been flirting in that room. And they admitted that Frank had tried to put a stop to it. The little Jackson girl let the cat out of the bag, gentlemen, when she said that they were afraid of Frank and got out of that dressing room and went to work just as soon as he came around there."

“And gentlemen, isn’t that exactly the way you would expect the superintendent of a big factory to conduct himself? If he had started something with the girls in that factory, don’t you know that demoralization would have reigned in the whole place? Don’t you know that he couldn’t have gotten any work out of the girls? Don’t you know that he would have made a failure as superintendent and that Mr. Montag would have fired him?”

WOULDN’T TRUST A PRUDE.

“And what did it amount to if he did put his hand on the shoulder of this little 12-year-old Phagan girl? Why, you can go out here to Piedmont park any Sunday afternoon and see 500 girls and boys with hardly anything on and the boys are grabbing them by the arms and legs and are pitching them all around there, and are having a gay old time. And I don’t mean to say by that I think the world is going to the dogs, either. It’s a sign that we are getting more broad-minded, that we are learning some sense about these matters. And let me tell you something, gentlemen of the jury, deliver me from one of these prudish fellows that never looks at a girl and never puts his hands on her and is always talking about his own virtue. He’s the kind that I wouldn’t trust behind the door.”

“Let them have the dressing room incident for all it is worth. Does it mean anything? Wasn’t everything done openly and above board, and in broad daylight? My friend Hooper would have you believe that every bush has a bear behind it.”

“And now this Conley says that Frank told him Friday afternoon to come back the next day. Did Frank know that the office would be full of people all day? Did he see Holoway when he first came in, and did he see Lemmie Quinn and Emma Freeman and all the others? Why did he know that this little child was coming to the factory? How did he think that he was to have anything to do with her? She had given him no encouragement. Why it is foolish to think that he told Conley to come back because he was planning a crime.”

A RELENTLESS PURSUIT.

“But my friends had started after Frank and they have relentlessly pursued him.”

“Now I will take up the man I call Christopher Columbus Barrett. Don’t you know that the testimony shows that on Sunday Chief Beavers, Chief Lanford and Starnes, Frank, Darley, went through that very metal room

looking for clues? Do you think they would have overlooked such a thing as that blood?”

The solicitor interrupted to state that the evidence did not show that Starnes had gone through there. Mr. Dorsey said that he had not corrected many mi-statements by Mr. Arnold, but wanted to correct this one.

Mr. Arnold said he still thought the evidence showed Starnes went through there, but told an associate to consult the record about it, and continued his speech.

“At any rate, those men and God knows how many others went through there Sunday and found nothing. Yet the next Monday morning that fellow Barrett started out on his cruise of discovery. This fellow who has been working for the reward and figuring on what he would do with the #4,300, found what looked like blood. Talking of a plant, it looks mighty funny that a fellow looking for a reward would have made this discovery.”

“My friend Hooper passes over that point. But I’m not hitting just the high spots, like he did. Hooper is a fine fellow, a bully fellow, but from his speech I don’t believe he had his heart in this case. God knows I don’t blame him.”

DISCUSSES BLOOD SPOTS.

“To go on with this discovery; the detectives chipped up four pieces of wood, on all of which were these blood spots, incidentally buried a fourth of an ich deep. They chipped them up from this point near the dressing room, near where we know there were two accidents, and right were many of these girls had to pass. Duff and Lee disagree as to how much blood was spilled, but both admit that there was some. Remember, gentlemen, that if a drop of blood ever fell on that spot, a chemist could tell it four years afterward. And Gilbert and Duffy had been injured near the spot, and many girls had hurried by it to the dressing room. Their contention was that all of these big spots were blood. And they chipped them up, in one, two, three, four places. If they had not all looked like they were blood, why did they chip them up? Gentlemen, if there had been any blood there, an analysis would have showed it on every chip. Yet take Dr. Claude Smith’s evidence.”

Then, emphasizing each point. Mr. Arnold read the testimony of Dr. Claude Smith that on one of the chips he found four or five blood corpuscles, but no traces of blood on the others, but that he found stains on them all. Dr. Smith’s testimony showed also that much less than half a drop of blood could have accounted for all the corpuscles that he found.

“There was not a drop of blood, gentlemen, for it is a scientific fact that there are 80 or 80, 000, I forget which, corpuscles in a single drop of blood. Probably an infinitesimal quantity of blood had been there for years.”

EXHIBITS CHIPS TO JURY.

Mr. Arnold called for the chips and exhibited them to the jury.

“How can you explain why there were not spots on these three other chips?”

Again quoting the evidence of Dr. Smith, Mr. Arnold stated that if not affected by water blood will remain on a floor for years.

“So much for the blood stains—their main corroboration of Jim Conley. I understand that at first they thought they had blood there, so they just had Jim drop the body at that point.”

“Let’s go to the strands of hair, away over there on that lathe six feet away. Every doctor in the case says that she would have bled more right there than anywhere else if she had been hurt by her head striking against the lathe. But there is no blood under the lathe.”

“When you analyze it, the state’s case doesn’t stand the test anywhere. My friend Dorsey will say that Frank washed it up, or put hascoline on it. But why didn’t he wash it all up, if that was the case? Why would any man have smeared hascoline over a spot of blood in just such a manner as to make it more noticeable? It looks to me just like a cheap, common plant.”

Attorney Rosser interrupted to read from the testimony of Detective John Black showing that on Sunday afternoon he and Starnes went through the factory.

WHERE IS THE HAIR.

“It struck me as funny that Barret should have discovered blood spots when Starnes and all the other detectives, going through the factory in broad daylight searching carefully, had passed over them,” continued Mr. Arnold. “That, gentlemen, is all they have to show that the crime was committed on the second floor. I’m just trying to explain this case, gentlemen. That is the main function of a lawyer. Whenever I find one of these lawyers who thinks that he can sweep the jury before him. I put him down as a humbug. It is funny that this hair has not been produced here in court. I don’t know anything about it. But it wasn’t here. And we remember that it was found at a point just a few feet away from a mirror where these

girls used to go and primp and curl their hair. The window sends a draft directly toward the lathe. There is nothing more natural to suppose than that this was blown there."

"It is much more natural to suppose that, than that a girl had been hurt on the lathe and blood spots had failed to show under it. Yet Dorsey may say that it was washed up. Yet Dorsey may say that it was washed up. Why, again, wasn't it all washed up, instead of being made more plain? They all admit that Frank is intelligent. Would he have tried to hide the blood by smearing it this way? Would the cunning criminal they claim him to be, have done such a thing? No, gentlemen. It just shows that their case is the clumsiest botch I ever saw. The whole case grows out of the fact that Frank was honest enough to say that he saw the little girl; that he paid her; and that he saw her at a certain time. He didn't have to admit that. If he had been trying to conceal anything, he could have put her pay envelope back in the drawer, and nobody ever would have known how or where she got into the building."

"But to finish with Hooper's plot. The plot he says began when nobody knew she was coming to the factory when Frank had his hands full of work. Frank asked Miss Hall to come to the factory in the afternoon, and he asked Gotheimer to come there. Does that look like a plot? He knew that people were dropped into the factory every four or five minutes., and that the doors were open, and that the doors of the office and the metal room were made largely of glass. Are you going to tell me that a sane man would do murder under such circumstances?"

"POOR DAISY HOPKINS."

"Think of all the people who were in the factory that day, coming in every few minutes. And then too Frank was overwhelmed with work. All reason is against the presumption that he was planning to I have any relations with any girl. I don't say all the girls in the factory are pure, but I believe that most of them are. They have been jumping on this poor Daisy Hopkins. Possibly she is not a paragon of virtue. I'm disposed to think that she is not. But she is as good as some of the men that they have put up; that street car man who testified that he went to her room, and this Dalton, who declared that he sneaked into that foul place in the basement with her; this Dalton, who, a wolf in sheep's clothing, went to the amen corner in a church and made some men think he had reformed. I don't believe that Dalton ever went into the factory. But if he did he sneaked in."

Pointing to the defendant. Mr. Arnold exclaimed: “Do you believe that that man would associate with Dalton? And you have only the word of Dalton and Jim Conley that he did associate with him:

‘The only men who say that Frank liked Dalton are Dalton and Jim Conley. We brought Daisy Hopkins in here to show that even if she is a fallen woman she would give the lie to Dalton. But I don’t care if she did slip in there with Dalton. I don’t care if anybody did. You can’t hold this man responsible for that. I don’t pretend to say that all the girls over there were all that they ought to have been, although I think that most of them were. But we can’t hold this defendant here responsible for every piece of misconduct that went on over there. Isn’t the state hard up to put up such evidence? Look at this man Dalton. Occasionally a man charged with stealing will reform, but it is very seldom. Many a man who has bad habits will reform, but a thief seldom does. Would you believe a self-confessed adulterer—a man with a wife and family who comes in here and declares that he went down into this basement with a girl for an immortal purpose? Does he put himself in an attitude to be believed?”

CONLEY AND HIS STORY.

“Now coming to Conley. At the very outset of this case suspicion was directed to Frank because he was the only man in the factory. He was the only man in the who had an opportunity to do it. Denham and White were on the fourth floor, and probably Mrs. White, too. They say they don’t know anything about it, and I don’t believe they do. Nobody knew anybody was down by that elevator hole, the most favorable part of the factory for a crime, until long after Frank had been arrested, it did not crop up for weeks. But by that time the police were after Frank.”

First they started on Newt Lee. If he had been a weak and yielding negro, and had seen he could get favor from the police by telling a fairy tale on Frank the police would have thought they had put a feather in their cap. Mr. Starnes may think he is working for truth and justice, but I don’t think so. It’s like that decision from the court of appeals that I read to you this morning. Evidence gained by persuasion or torture or the third degree is dangerous evidence. I don’t believe Starnes or Black would write out something and say, ‘Swear to that.’ But they didn’t have to.”

Conley could construct a whole story simply because they said tot him, ‘You can’t swear to that. Nobody will believe you.’ I’ve heard people say that Conley couldn’t have thought this up; he didn’t have the imagination. Everybody who has ever been around a court house much knows that

negroes like children have an unlimited capacity for imagination. My friend Hooper this morning said, ‘How did eh know so much about Frank?’ He pointed to that word ‘chat.’ Why everybody knows that negroes mock their bosses and try to learn their expressions, I’ve seen three or four of them together trying to talk like their boss does.”

“As that negro lay in his cell at police station, he conjured up the story that he has told; and it was monstrous.”

BLACK KNEW ABOUT SHIRT.

“Now, as to who put that old shirt out at Newt Lee’s house. It was found when Starnes and Black were giving Newt Lee the very old smash, when they were trying to get a confession from him. I think that Black knew where that shirt was when he went out and got it. He didn’t seem to have any trouble finding it. I don’t say he wanted to plant it and use it as evidence. But it may have been put there and then found again to scare Newt. At that time, mind you, they thought Newt was guilty. I remember three or four times when they came out in the papers and said; ‘We have the man. Newt is the man.’ Then on Thursday, May 1, they arrested Jim Conley. He said he didn’t know anything about it. He said he couldn’t write. And that is the thing that points the finger of guilt at him. Frank didn’t know it.”

Attorney Arnold exhibited the photographic copies of the notes found beside Mary Phagan’s body.

“I don’t suppose much was thought of it when Conley said he couldn’t write. A lot of negroes can’t. But then they found the pawn tickets after two or three weeks, and the writing on them was identical with the writing on the notes. They confronted Jim with it and finally he admitted it. As soon as he copied off the notes, it was apparent that he wrote the originals. Seeing he was caught, he finally made this first miserable confession.”

“He was conjuring up a plot to save himself. He had weeks and weeks to do it. He knew they were trying to make a case against Frank. He knew they were trying to indict Frank. It was the most natural thing in the world for him to put the blame on Frank. And he had smooth sailing in doing it. When he did it, he said he did it because Frank wouldn’t stick to him. I don’t suppose in criminal annals a prisoner ever had a better chance to lay a crime on another than here.”

“And he had earnest hearers. Now these detectives, they were afraid they would be criticized if they did not press the case against Frank. He was

a well-known man. I remember a controversy they had with a certain gentlemen, in which each accused the other of trying to shield him.

PLAUSIBLE DETAILS.

"Now, let's take the first statement of Jim Conley." Mr. Arnold picked it

(Continued on Page Eleven, Col. 1.)

Perjury and Prejudice Constitute State's Case, State Attorney Arnold.

(Continued from Page 10.)

Up. They say his testimony must be true because he couldn't have invented the details. In the first statement there are a dozen details about getting up and playing craps and drinking in Peters street saloons, just as plausible as the one details of his fifth sworn statement on the stand here." Attorney Arnold turned to the statement and picked out each falsehood that Conley had admitted uttering.

"There is nothing wonderful about what he has told you, when you realize the lies that he has told and that he will tell." Mr. Arnold read Conley's record statement in which the negro admitted the notes.

"If there is a word that the negro knows how to spell it is 'negro.' In Conley's statement on the stand here he took occasion to say 'negro' every five minutes, and yet in this note, when he's telling this tale about writing it, he says he spelled it wrong."

"About this confession. You see he had to make some explanation for writing the notes. He was feeling this way and he was lying. Yet he didn't tell the whole truth then—not the alleged truth that he has uttered here. There was no reason why he shouldn't though. Frank had gone back on him, and he had decided to go back on Frank, he said. And when he started to confess, then the detectives had an old mine to work on."

"If they had left Conley in that jail with Uncle Wheeler Mangum here, he'd have told the whole truth two months ago. But they didn't want him there. They were afraid to leave him there. Why didn't they leave him there with Uncle Wheeler as honest a man as ever lived? Why, I'd take 12 of those deputies and go out and defeat 500 blow hards like this man Kendley that testified here. No, they came into court and said, 'W are afraid he'll talk.'"

SOLICITOR TO ZEALOUS.

“The solicitor backed them up. The judge didn’t know very much about it, so he let him go back to the police station. He said that if the solicitor wanted Conley taken back to police headquarters, he’d let him go. I’m fond of my friend Dorsey, and am a great admirer of him. But in this case he has shown too much zeal. He has let his zeal get away with him.”

“A solicitor should be almost as honest as a judge. He shouldn’t work hand in hand with the detectives. He should not join in the hunt. Then he wouldn’t be biased. I can remember my old friend Charley Hill—God bless his memory!—and I can imagine somebody coming to him and saying: ‘Let’s take that man back to police station for I’m afraid he’ll talk.’ I can imagine him saying: ‘Leave him there with Uncle Wheeler Mangum, and let him talk to whomever he pleases.’

“But where Dorsey’s gone into the thing with ’em, he can’t weigh the evidence properly. He’s a part of the chase himself. The solicitor ought to be nearly as fair as the judge, because he’s got the power of the state behind him.”

A RIDICULOUS FARCE.

“So they went to the judge and asked for an order to release this negro from jail. The judge said. ‘All right, I’ve got nothing to do with your quarrel,’ so he released him. Then they turned him loose and went through the ridiculous farce of re-arresting him just outside the door. And yet all of that time they had ten times as much evidence to indict Conley as they did to indict Frank. The negro had a vastly better opportunity to commit the crime than Frank did. He admits himself he was hiding down there on the first floor in that dark place by the elevator shaft. He’s just the type of negro to commit a crime like that, with a long criminal record behind him.

HOW THEY GET EVIDENCE.

“Now, gentlemen, I am going to give you a sample of how to get evidence. They say Conley couldn’t have invented so many details if he hadn’t been telling the truth. Why, here’s four pages of nothing but detail, and now he says every word of it’s a lie. I’m not going to read it to you, even.”

“We come to Conley’s third statement we find that Jim for the first time changes the time of writing those notes from Friday to Saturday. Again, he tells two long typewritten pages of detail about what he did that morning. Now he says all that was a lie, too. He admits here that he first said he did

the writing on Friday so as not to be connected with the crime. He says he wrote it freely and voluntarily, after thinking over the whole situation, without fear of punishment or hope of reward."

"He denies here that he went to the pencil factory that morning. Ah! Why? He knew what he had done. Through all of these statements he kept away off from the factory. He approached it warily. And why was he kept away? By the guilty memory of having lurked there by the stairway on the first floor, his passions inflamed by the beer he had drunk, watching every girl so closely that he comes here and testifies on the stand exactly what kind of dresses they had on and how their shoes looked. Ah, gentlemen, the miserable lying wretch had guilt on his soul!"

"When finally he admitted being in the factory, he tried to fix it up by saying he was there to watch for Frank. And what a fine watchman he was! According to his own story, two minutes after hearing the girl go back to the metal room and hearing Frank follow her and hearing her scream, he opened the door and let Monteen Stover go upstairs. Why, gentlemen, it fatigues my indignation to suppose that such splendid citizens as yourselves would believe this negro's story for a moment."

HOW A NEGRO CAN LIE.

"And yet they say that a negro can't be as to details. Why, as my friend Charley Hill used to say, if you put a digger in a hopper, he'll drip lies. His whole intelligence trends in that direction. I'm not going to read you all this. There are too many details here."

"You may think it peculiar that the negro should think of claiming that Frank put him in the wardrobe. Why, he knew every foot of that factory. He'd been working there two years. Bear in mind, now, that the two women he claims came in about that time—Miss Emma Clark and Miss Corinthia Hall—according to their testimony, corroborated by the testimony of other witnesses, came to the factory 30 minutes before Conley says they were there."

"Now you notice that on the stand he changes to Miss Emma Clark and Miss Corinthia Freeman. That's another place where his story wouldn't fit and the detectives had him change it."

"That story about hiding in the wardrobe is the most ridiculous thing in the word, anyhow? Suppose he had been there, and suppose Frank had killed the girl, couldn't Frank have gone outside of his office when he heard the girls had come in and seen him in Frank's office, there wouldn't have

been anything wrong in it. Conley worked there, and they knew him, and they'd seen him around the factory every day."

"Then his story about watching there in the first floor, from June till January; that's another ridiculous thing. From June till January the Clark Woodwares company occupied half of the first floor, and used the same front entrance that the pencil factory used. Frank wouldn't have had any right to lock the door and shut them out."

"Now here he says that Frank asked him, 'Jim can you write?' That was a beautiful question, wasn't it? He testified on the stand that he'd been writing for Frank two years."

"My friend Hooper says how foolish it would have been for Jim to have written the notes of his own accord. Well, if it was foolish for Conley, how much more foolish would it have been for Frank, a northern man, to attempt to dictate a note that sounded like a negro's writing?"

Attorney Arnold proceeded to ridicule other minor details of Conley's affidavit, and did it so effectively that he had members of the jury and the spectators laughing.

Mr. Arnold reached the statement attributed to Frank by Conley in his statement: "Why should I hang? I have wealthy relatives in Brooklyn."

CONLEY READ THE PAPERS.

"For weeks," said Mr. Arnold, "the papers had been saying that Frank was from Brooklyn, and at that time every body though: that he had wealthy people there, and this Conley had been literally eating up the papers at every possible opportunity. Of course. It was a mistake. He has no wealthy relatives in Brooklyn. His father, a hopeless invalid, has an income of only $1,200 a year. His uncle has a little cigar store and his aunt works in New York for a living. Do you reckon a white man ever would have made statement like that? Do you reckon he would have broken loose and yelped like a dog?"

"I'm not making light of this. I'm just showing how absurd it is. Remember, at the time Conley said this they had taken him back from Uncle Wheeler and had him in police headquarters again. I believe if had stayed in the jail he would have confessed. But at police station he didn't have a chance to confess. Every time he would start out in that direction, they would turn it back toward Frank."

Mr. Arnold read Conley's statement that Frank asked "Where is Snowball?"

"Where is Snowball? Repeated Mr. Arnold. "In his last extremity he calls for Snowball. "Give me Snowball or give me death!"

"Then Frank had him write this note saying: 'He laid down and told me he would love me.' And then Frank told him he was going to recommend him for a position and send that letter to his mother in Brooklyn for the purpose of getting him a job—a job in Brooklyn, where the negro never had said he wanted to work. Do you think any white man would have said he was going to send this letter to his mother? Has reason fled? Have men lost their wits in this case? And this is the state's whole case, for unless you swallow every word that Jim Conley said you have nothing. You've got to swallow it, guts, feathers and call."

"Then Jim jumps off right and quick and says, 'Don't take out another $1 for that watch.' He always was trying to get out of paying something. And Frank answered, 'I don't see what you wanted to get the watch for. That big fat wife of mine wants me to get her an automobile, but I wouldn't do it.' Does anybody believe that he said that about his wife? Conley had been working there for years. Mrs. Frank had been down there and he knew that she was a stout lady. That statement is nearly as unkind as their trying to make out that she wouldn't go to the jail to see her husband."

WHY MRS. FRANK STAYED AWAY.

"And Frank says that he begged her to stay away because he didn't want her to see him a prisoner; because he didn't want the newspapers to snapshot her. Yet she wanted to go and stay in jail with him, and she would have if they had let her, for she is a devoted woman of a devoted kind."

"It is awful how they invaded his home, and tried to impugn the motives of his wife, tried to get servants to lie about him. That, gentlemen, is hitting below the belt. We are an honorable people, a chivalric people, and I deny that the men who have done these things represent 175, 000 people of Atlanta or the good people of the state of Georgia. I deny that they even represent a prosecution. They only represent a persecution."

Mr. Arnold read from the Conley affidavit again.

"That is where he put it down on Saturday, but denied any knowledge of the murder. But that didn't satisfy these gentlemen, so they went at him again. There never has been a negro so guarded and so protected on this earth from becoming a principal in a crime."

“Let us read some from the evidence of Scott, who was helping Conley make these statements: ‘I found out that Conley could write at the factory on May 18, and I went and dictated one of the notes to him and it took him six or seven minutes to write it. Late when Mrs. White came to look at him and twelve other negroes he chewed his lips and seemed excited when he saw her. We tried to get a confession from him, and use da little profanity, but he looked us in the face and said he was telling the truth.”

“Mr. Hooper seems to think that we have to break him on the stand, or believe him. But this man Scott admits that Conley could lie and look him straight in the face. It al l goes to show that you can’t pretend to believe him.”

“‘And we carried him to Mr. Dorsey’s office.’ Ah! That’s where my friend got in it!”

“‘And he said he was telling the whole truth.’”

Mr. Arnold read a statement saying that Conley claimed to have met Frank at Forsyth and Nelson streets.

“That is the biggest piece of foolishness on earth. And he merely stuck to that on the stand because it was a remnant of his first lie, which he sticks to by tradition. Scott says that they saw him on May 27th in Lanford’s office, and tried to impress on him the fact that Frank wouldn’t write the notes on Friday; that it wouldn’t fit; that it showed premeditation. And then they told him they wanted another statement. And he said he had told them the whole truth. But the next day, says Scott, he and Lanford talked to Conley again, and then he put it on Saturday, swearing that this was the last and the truthful statement. It just shows how these statements were made to fit.”

KNOWS A LOT ABOUT LAW.

“Then on the 29th they got him to tell about the body. Now here is a most singular thing in that statement. He said Frank had told him that the girl had fallen. Conley didn’t say anything about the cord on her neck.”

“That’s an intelligent negro. He knows a lot about law. Because if he had said the cord was around her neck, he would have admitted that he knew the girl was murdered, and he would be indicted as an accessory after the fact.”

“Now hemmed in and protected against indictment, he made these confessions. It was the slickest thing I ever heard of. There’s probably

nothing else like it in the world. Is that fair play? Is that justice? When he made this, they had taken him away from Uncle Wheeler Mangum and Newport and Starnes and Scott and Black had him. And the coaching and sweating that they gave him!”

“They didn’t tell him what to swear, but they gave him some broad hints what not to swear. He said he didn’t know about the murder. Isn’t he intelligent, gentlemen? He didn’t want to be an accessory after the fact. This was a monstrous chain of accidents. The tracks are as big as those of an elephant, and as plain. I don’t claim credit for showing this up. I''s as evident as that house over there.”

ANOTHER REVELATION.

“And when we came to court, gentlemen, this statement of the 29th is what we expected to answer. But since he made that he has had another revelation. He says ‘Mr. Dorsey has seen me seven times. The detectives have held nightly seances with me. So I know a lot more about this than I did then.’ I don’t doubt that the detectives and my Irish friend, Patrick Campbell, over there, didn’t help him out in finding out a lot more than this.”

“I ask you, gentlemen, does he tell a thing because it’s the truth? Or does he tell it because he was told to? He admits that every time the detectives and Dorsey saw him he changed and added to his story. Are you going to hang a man on that? Are you going to hang a man on that! We’re all men; we’re all flesh and blood. What has the world come to, if I’ve got to argue that point?”

“If we hang a man on a story like that, we are no worse than grub-worms. I am glad to espouse this man and fight for his cause. I know that the public eventually will commend me for it. And I know that my own conscience will commend me.”

“Conley admits he was right there behind the elevator when that little girl came into that factory. And he was there when she came down. It took but two steps to get that mesh bag. Probably his aim was highway robbery. Here was a drunken, crazed negro, hard up for money. The sad little girl probably held to it when he grabbed it. He struck her in the eye and she fell. It is but the work of one moment, gentlemen, to push her into that elevator shaft.”

“And isn’t that more plausible than this ridiculous statement that he has made against Frank? Suppose the position was reversed. Suppose

Conley was indicted, not Frank. Would you believe this weird tale one minute? We came here to answer this statement made on May 29, and not all the rest of this that he has conjured up since that time."

Attorney Arnold paused for a drink of water, and looked through some papers on the table.

"MEANS A LOT TO THAT MAN."

"I want you to pardon me, gentlemen, for taking up so much time. It's a hardship for you and it's torture to me. But it means a whole lot to that man sitting over there."

He read a portion of Conley's testimony in which Conley said Mr. Dorsey visited him several times and that on each of these visits he had given more detail. He read this question and answer: "Q. As you went along you would have some additions to make? Why didn't you tell it all at once? A. I didn't want to tell it all. I wanted to hold some back."

"Every one of these seven times he added to this story, every one of these seven times when Starnes and Campbell and Dorsey questioned him. Let us see what he added. In the first statement he said he didn't see Mary. Now he says he saw her. In this statement he didn't say he saw Monteen Stover. Now he says he saw her. What a revelation! What a chapter is this! What coaching he must have had."

Mr. Arnold depicted his conception of the examinations which Conley underwent, asking questions and furnishing answers.

MIMICS CONVERSATIONS.

'Jim, how, could you possibly have missed hearing that little girl go back to that metal room?' 'Yes, boss, I did hear her. She did go back.' 'Now, Conley, didn't you hear Frank go back, too?' 'Well, to tell the truth, boss I guess I did.' 'Conley, didn't you hear Frank come tiptoeing back out after a little while? Tell us, now, whether you did or not.' 'Yes, sir, I guess so.' 'Now, Conley, we've got a theory that Frank is a pervert. Haven't you watched for him before?' 'Yes, boss, I guess I have.'

"Gentlemen, those rumors were started at the beginning of this investigation, and he shaped his statement accordingly. Why the law doesn't allow me to lead a witness on the stand. But God knows what happens to them before they get in before old Judge Roan there! God knows how they're coerced and advised and sweated and cursed before they get here."

“‘Conley, there was a man named Dalton who went into that factory. Didn’t you ever see him?’ ‘Yes, sir, I guess I seen him.’ ‘Now, Conley, there was a bad woman who went in there. Her name was Daisy Hopkins. Did you see her?’ ‘Yes, sir, I reckon I saw her, too.’ ‘Now, Conley, you saw ’em go in there together, didn’t you?’ ‘Yes, sir, they went in there together, I reckon.’ ‘They went into the basement, didn’t they? Down through that scuttle hole and back to that bunk?’ ‘Yes, sir, I saw ’em go back there.’”

HOW CASE WAS BUILT.

“That’s the kind of evidence this case is built on. Why there was a witness in here who said he had looked at his watch, and his watch had been in the pawnshop since January. You don’t suppose he had half a dozen watches, do you? They’d all have been in the pawnshop.”

“And then there was that mesh bag. Bless your heart, they’ve over looked that! My friend Dorsey never thought of it till just before the trial. And then he went to Conley and asked him what became of the mesh bag. And Conley said that Frank put it in the safe. That was the crowning lie of all. Bless your heart. Conley knows where that mesh bag is.”

“He stole it from that girl, and then pushed her down that elevator shaft and ravished her afterward. It’s a nigger crime, gentlemen; it’s a nigger crime. He never did tell about that pay envelope. He didn’t tell about it because he stole it. That’s why.”

MADE CHANGES TO FIT FACTS.

“Scott tells how all three changes came about. When did he add all these things to his statements. He added them as fast as the state found out new facts.”

“What was their object in taking Conley away from the jail, except to can him where they could console him. Wheeler Mangum is an honest man and they knew it. He don’t run the jail to convict anybody or to acquit anybody.”

“Then they claim that Frank wouldn’t see Conley in the jail. He has told you why he wouldn’t see Conley. He knew the detectives would take and distort every statement he made and every word he said.”

“Here’s what happened: A little girl is foully murdered. She is an innocent girl. She has given no man an inkling or any encouragement that she would do anything wrong. Beside her in the basement are found two crude and ignorant notes. We’ve got in court the man who wrote the notes.

We know he was lurking in the darkness at the foot of the stairs. We know here mesh bag is gone and that her pay envelope is gone, and that most probably she was robbed and maybe she was ravished."

"What good does it do a man to work hard on a small salary and try to hold his head up? Why go further than this black wretch there by the elevator shaft, fired with liquor, fired with lust and ravish every day in the most peculiar and shocking way. But this man's race (pointing to Frank) don't kill; they are not a violent race. Some of them may be immoral but they go no further than that."

"If there is anything in the world in evidence, then the confessed writer of these notes is the man who killed Mary Phagan."

DEFENSES TIME ALIBI.

"Now I am going to show you that it was a physical impossibility for Franks to have murdered that little girl. At this point Mr. Arnold took the wrappings from his time chart and stood it up in front of the jury.

THE TIME CHART.

Mr. Arnold had a chart about six feet by three and a half that stood on the end before the jury, bearing in chronological order the movements of Frank as to time during the Saturday Mary Phagan met her death.

As he went through these movements he pointed to them on the chart. The chart showed the following entries:

At 7:30 a. m., Minola McKnight.

8:25 a. m., Frank at the factory, he sees Holloway, Mann and Darely.

9:40 a. m., Darley and Frank leaves.

10 a. m. Frank at Montag Brothers, sees Sig Montag, H. Gottheimer, Miss Hall, Mr. Matthews and Mirs. Hix.

10:30 a. m., Alonzo Mann phones Schiff's servant to tell Schiff to come.

11 a. m., Frank returns to factory. Holloway, Mann, and Miss Hall. Dictates.

11:30 a. m., Mrs. White.

11:35 a. m., Miss Corinthia Hall, Mrs. Freeman, D. Graham and Tillander.

11:45 a. m., Miss Hall and Mrs. Freeman leave the building.

11:50 a. m., Mrs. White leaves.

12:05 to 12:10 p. m., Monteen Stover.

12:12 p. m., Approximate time Mary Phagan enters.

12:14 p. m., Mary Phagan left.

12:30 to 12:25 p. m., Lemmie Quinn.

12:30 p. m., Mrs. White.

12:50 p. m., Frank on the fourth floor with Mr. and Mrs. White and Denham.

1 p. m.—Frank leaves the factory.

1:10 p. m.—Miss Kern sees Frank on the corner of Whitehall and Alabama.

1:20 p. m.—Mrs. Levy sees Frank leave car, corner of Georgia avenue and Washington, Minola McKnight and Selig see Frank at his home.

1:25 p. m.—Mrs. Levy sees Frank leave car, corner of Georgia avenue and Washington. Minola McKnight and Selig see Frank at his home.

Between 1:55 and 2 p. m., Mrs. M. G. Michael and others see Frank at the Wolfsheimer home.

2:19 p. m.—Hinchey sees Frank at Washington and Hunter.

2:20 p. m.—Miss Rebecca Carson sees Frank on Whitehall, in front of Rich’s.

2:50 p. m.—Miss Carson sees Frank at Jacobs, Alabama and Whitehall.

3 p. m.—Frank enters factory and goes to the fourth floor to see White and Denham.

3:10 p. m.—Frank begins work on the financial sheet.

3:45 p. m.—Newt lee.

6 p. m.—Frank complete work on the financial sheet.

6:25 p. m.—Selig Sees Frank at home.

6:30 p. m.—Mrs. Selig and Minola McKnight see Frank.

7 p. m.—Frank phones Lee at factory.

8 to 8:30 p. m.—Goldstein and others see Frank.

10:25 p. m.—Strauss sees Frank.

10:30 p. m.—Frank retires.

Mr. Arnold contended that all of the evidence, including the state's own evidence from which he declared the state had tried its best to wiggle away, showed that Mary Phagan arrived at Frank's office between 12:11 and 12:12. I lay it down that she got there at that time, said Mr. Arnold, "and I am going to stand on that no matter how much Mr. Dorsey tried to move his street car schedule up and run his time clocks back. He's worse than old Joshua, Mr. Frank's Biblical ancestor, who stopped the sun in its course.

Mr. Arnold next took up the length of time required for Conley and Frank to have gone through the performance of disposing of the body as claimed in Conley's story. He said that the whole case rests on this point and that the state must either stand or fall by it. He said that according to Conley, he and Frank started at 4 minutes to 1 and finished 1:20. He said that according to Harlee Branch's testimony it took Conley fifty minutes to re-enact the story. He said that according to Dr. Owens. He said that according to Dr. Owens, it took him and his party thirty-four and a half minutes, leaving out the six or eight minutes required to write the notes and the eight minutes which Conley claims he spent in the wardrobe. Now, said Mr. Arnold, coming to this part of the case—leaving out your rotten slanders, leaving out your vile charges of perversion, leaving out the testimony of these little girls who were dragged here and made to testify against Frank's character, leaving that all out. I am going to show you that the state's case cannot be true.

MISS STOVER CAME AFTER MARY.

Mr. Arnold then ran down the chart, reading each item as he went. At the item indicating 12:02 o'clock he paused to ridicule Solicitor Dorsey for what he termed the solicitor's desperate attempt to show that the time clock was wrong.

"Between 12:05 and 12:10," said Mr. Arnold, indicating this item on the chart, "little Monteen stover arrived and little Mary Phagan did not get there before she did. Jim Conley and all the balancing of you to the contrary notwithstanding.

"Now if George Epps, the state's own witness, was telling the truth Monteen Stover was obliged to have gotten there ahead of Mary Phagan."

"Gentlemen, I am hanging around that point like Grant around Richmond. Away with your miserable lies about perversion, away with your

mangy street gossip, away with your Jew-lynching witnesses, away with your third degree testimony, away with your trumped up evidence. If you are fair men, let's get down to the facts in this case and stick to them."

"WE MUST STICK TO FACTS."

"The witness that Dorsey puts up shows that she couldn't have gotten to the factory before 12:10 or 12:11. We must stick to the facts in the case. I don't believe that little Miss Monteen Stover told an untruth, but I do believe that she got no farther than the outer office; that the safe door was open, and that she couldn't see Frank' sitting at the desk."

"But suppose he was not in the office, what difference does it make?"

"Dorsey would stop the natural functions of the body; he would set clocks back; he would put street cars ahead of schedule; and like Joshua, he would make the sun stand still. But the facts show that hey never could have connected Frank if he had not told them that the girl was there. He didn't imagine then that there was enough prejudice against his race for them to try to convict him."

"Suppose that he was eaten up by lust—which is a miserable slander. Why should he ever have killed the girl? Why should a white man commit such a crime."

"But take that negro. There are a thousand negroes in Atlanta who would kill you for 50 cents, and a thousand others who would ravish a woman if they thought they would not be caught."

"Yet you tell me it is unreasonable to suppose that this wild, black, hungry, lustful wretch would not seize the opportunity to snatch at this girl's purse, to drag her down into the basement, and there maybe accomplish another hellish wrong?"

Mr. Arnold pointed to the time chart which he had brought into court.

"The sworn evidence gives him only eight minutes between the time the girl came to the factory and the time Quinn came. Could he have attacked her? Could he have put that rope around her neck? Could he have assaulted her? And then been back at his desk, a normal man, digging into his work, a normal man, in eight minutes? And he didn't have a scratch on him. The police examined him.

WHY HE WENT TO FOURTH FLOOR.

“Why did he go up to the fourth floor, my friends ask. Gentlemen, they would twist anything. What would be more natural? He didn’t want to lock the woman in, and he thought probably the boys would want to go out to dinner. And yet he couldn’t leave the factory doors open, with his office there unguarded. And then when Mrs. White had left, do you think he would have called this negro and gone about the disposal of the body with those two boys on the fourth floor? Do you think he would run the elevator when he knew they could hear the motor hum? Do you think he would have done this, knowing every minute he was liable to be caught?”

“Now, I come to a point which makes as clear as the Holy Write the fact that Conley was lying. Conley says Frank left the factory about1:30. Frank says he left at 1. Conley says he called him at 4 minutes to 1, and all estimates show that these things couldn’t have been done in less than 34 minutes. Now, gentleman, we have a girl, an unimpeachable witness, a pure sweet little bud who was standing at Jacobs’ at 1:10; and she saw Frank there then.”

“How are you going to get around that? Did she lie? Dorsey doesn’t claim that she did. That little girl had an engagement with another girl at 1:15 and she looked at the Davis and Freeman clock at 1:05. What could be more reasonable? She went right straight to the corner. She doesn’t think it could have taken her a minute. But the little soul is liberal, and she says she saw Frank certainly not later than 1:10. That stamps Jim Conley as a liar fit only for the lower regions.”

“And didn’t Mr. Levy see him at 1:20 as he got off of the car? She is no relative of Frank’s. It is true that she’s a Jew. But she was telling the truth.”

Mr. Arnold quoted from Tennyson about “kind hearts are better than coronets.”

“Mr. and Mrs. Selig saw him a minute later. My friend Dorsey would have you believe that because they are the father-in-law and mother-in-law of Frank that they are liars and that only Jim Conley and Dalton always tell the truth. Gentlemen, it fatigues my indignation to have to argue this case.”

AS TO ALBERT MCKNIGHT.

“And now we come to Albert McKnight, another great liar, an interstate liar, almost an international liar, but the state’s own witness, gentlemen. He says that Frank came home at 11:30, when Conley, that other great liar, says he was at the factory.”

Albert reached the climax in his lying when he said that Frank, after nervous 10 minutes at home, got on the car at Georgia Avenue and Pulliam Street, when Jerome Michael and Mrs. Michael and many other good people saw him get on the car at Glenn and Washington, and Mr. Hinchey saw him on the Washington street car when it reached the capitol.

“Let me dwell for, a minute on Albert McKnight, and his wife. How would you feel if you were charged with a crime, and your cook knew nothing about it. And yet without rhyme or reason or warrant of law, and after the solicitor already had her truthful affidavit—Starnes, I like you, but I wouldn’t have thought that you would do this thing. Gentlemen, he had no charge against the woman, and no right to arrest her. But he was an officer, and had power behind him. Craven and Pickett, two men trying to get a part of the reward, helped him. And they said to Minola, ‘Why don’t you agree with your husband?‘ when they locked her up.”

“I don’t believe that they would have done this thing to you or to any other white citizen. But the fact remains that she was locked up until she made her affidavit, although she had already made a statement to the solicitor, which was just the same as the statement she made on the witness stand before you. This, gentlemen, is the way they get their evidence. Starnes was guilty of a crime; Dorsey, if he had anything to do with it, was guilty of a crime. George Gordon says that he went to Dorsey, and asked Dorsey to release her and Dorsey said that he was afraid he would get in bed with the detectives.”

DORSEY UP IN AIR.

“My friend has gone up into the air with this case, and he needs to be brought back to earth.”

“I now reach the incident about Miss Rebecca Carson, the dirtiest slander in this whole case. Here she is, a girl, working as a forewoman, with her mother and her little sister. Would she, in broad daylight, right near her mouther and near her sister, have gone into a room **with** a man for an immoral purpose? Yet they have forced poor little girls to come here and swear that she did.”

“Now we come to 3 o’clock in the afternoon, when Frank reached the factory. Do you suppose that any man who had committed the crime that they claim Frank did, could possibly have done the work that he did? When he was so nervous the next morning, don’t you suppose that he would have been nervous that night and that afternoon. Hooper gets made because

Frank tried to joke that night. Don’t you see they won’t let him do anything?”

“Next morning, they say, he was nervous. Of course he was. You would have been nervous and so would I, if without having any breakfast we had been rushed into a room and shown that corpse. It always makes me nervous to look at any sort of a corpse.

THE TWIN P’S

“I have about finished, gentlemen. There are only two things about this case prejudice and perjury the twin p’s.

“Never has there been such malice displayed in the prosecution of any case. The crime was horrible. God grant that its perpetrator may be punished and I think that we can prove that Jim Conley is the man who should receive the punishment. Let us follow the law and not follow prejudice. Frank’s alibi is complete, and Jim Conley has been proven a liar. This whole case is a fabrication, a frame-up pure and simple.”

“Gentlemen, write a verdict of not guilty, and your consciences will be clear.”

Mr. Arnold’s speech concluded with these words at 5:59 o’clock, and court adjourned immediately until 9 o’clock Friday morning.